



city commission agenda

City Commission Regular
Meeting
December 9, 2020
3:30 pm
Community Center
721 W. New England Avenue

mayor & commissioners

seat 1
Marty Sullivan

seat 2
Sheila DeCiccio

Mayor
Steve Leary

seat 3
Carolyn Cooper

seat 4
Todd Weaver

welcome

Welcome to the City of Winter Park City Commission meeting. The agenda for regularly scheduled Commission meetings is posted outside City Hall the Wednesday before the meeting. Agendas and all backup material supporting each agenda item are available in the City Clerk's office or on the city's website at cityofwinterpark.org.

meeting procedures

Virtual City Commission public comment procedures: Please see the link below for instructions on providing public comment: <https://cityofwinterpark.org/cclive>. If you would like to provide comments prior to the meeting, please send them to MayorAndCommissioners@cityofwinterpark.org. These comments will be received by the City Commissioners and staff, however, will not be read publicly into the record during the meeting. This is consistent with our normal procedures for emails received prior to a City Commission meeting.

agenda

*times are projected and
subject to change

1. Meeting Called to Order

2. Invocation

a. [Pastor Todd Haymans, Aloma Church](#)

1 minute

Pledge of Allegiance

3. Approval of Agenda

4. Mayor's Report

5. City Manager's Report

- | | |
|--|------------|
| a. City Manager's Report | 5 minutes |
| b. Active CIP Report | 1 minute |
| c. Discussion of Strategic Planning Schedule | 10 minutes |

6. City Attorney's Report

7. Non-Action Items

8. Citizen Comments | 5 p.m. or soon thereafter

(if the meeting ends earlier than 5:00 p.m., the citizen comments will be at the end of the meeting)

(Three (3) minutes are allowed for each speaker)

9. Consent Agenda

- | | |
|---|----------|
| a. Approve the minutes of the work session, November 5, 2020 | 1 minute |
| b. Approve the minutes of the regular meeting, November 11, 2020 | 1 minute |
| c. Approve the minutes of the work session, November 19, 2020 | 1 minute |
| d. Approve the following Piggyback contracts: | 1 minute |
| 1. Home Depot – US Communities 16154 - Maintenance & Hardware Supplies; additional \$75,000.00 for year. | |
| 2. Office Depot – OMNIA Partners - Office Supplies, Products & Related Services; additional \$75,000.00 for year. | |
| 3. Cintas – OMNIA Partners R-BB-19002 - Facilities Management Products & Solutions; additional \$100,000.00 for year. | |
| 4. USA Services of Florida, Inc. – City of Daytona Beach 13-159 - Mechanical Sweeping Services; additional \$210k for year. | |
| 5. Public Consulting Group, Inc.- Palm Beach County Contract No. 19-020/SS - Florida Certified Public Expenditure Program for Emergency Medical Transportation (PEMT); \$5,000 per year. Contract term through August 19, 2022. | |
| 6. Grainger - NASPO ValuePoint Master Agreement #8496 – Facilities Maintenance and Repair & Operations (MRO) and Industrial Supplies; \$75,000 per year. Contract term | |

through June 30, 2023.

- e. [Approve the following contracts:](#) 1 minute
1. A Budget Tree Service, Inc. – ITN23-18A - Vegetation Management Services; \$300,000 has been added to the contract to complete the contract term.
 2. The Davey Tree Expert Co. – ITN23-18B - Vegetation Management Services; \$250,000 has been added to the contract to complete the contract term, an additional \$1,500,000 is requested for the renewal term.
 3. Jacobs Engineering Group, Inc. - RFQ17-10 - Continuing Engineering Services for W-WW Systems; Renew at \$300,000 for year.
 4. Audio Visual Innovations, Inc. - RFP18-19A - Design, Install, Configure & Maintain A/V System; Renew at \$200,000 for year.
 5. Matheson Tri-Gas, Inc. - IFB16-21 – Purchase & Delivery of Liquid Oxygen; \$150,000 per year.

10. Action Items Requiring Discussion

- a. [Civil Service Board Appointments](#) i minute
- b. [Administrative Policies](#) 5 minutes
- c. [Discussion of Pennsylvania Hotel at 655 W. Morse Blvd \(Previously Tabled\)](#) 15 minutes
- d. [Discussion of financing of Ward Park and Mead Garden capital improvements](#) 15 minutes

11. Public Hearings

- a. [Ordinance - Amending adopted FY20 Budget \(Second Reading\)](#) 1 minute
- b. [Request of Jim Veigle for:](#) 5 minutes
Ordinance - annexation of 2269/2267/2265/2263/2261/2259/2257 Kentucky Avenue. (Second Reading)
- c. [Request of Chris Tracy for:](#) 5 minutes
- Ordinance - annexing the property at 1800 Karolina Avenue
 - Ordinance - establishing Parking Lot (PL) Future Land Use
 - Ordinance - establishing Parking Lot (PL) Zoning (Second reading)

- | | | |
|----|---|------------|
| d. | Request of City of Winter Park for: <ul style="list-style-type: none"> Ordinance amending Chapter 58, Land Development Code, Article III, "Zoning", to establish in the Office (O-1) zoning district, a new Conditional Use provision for restaurants, cafes, coffee shops and other food and beverage establishments and to provide criteria for such Conditional Uses. (Second Reading) | 10 minutes |
| e. | Request of City of Winter Park for:
Ordinance adopting the 7th Edition of the Florida Building Code (2020) with Administration Provisions and Technical Amendments (First Reading) | 15 minutes |
| f. | Resolution - Designating 1412 Devon Road as historic property on Winter Park Register of Historic Places | 10 minutes |
| g. | Request of Benjamin Partners, LTD and the City of Winter Park for: <ul style="list-style-type: none"> Resolution -Third amendment to the amended and restated development order. (Ravaudage) Bennett Avenue & Lee Road Construction Agreement | 5 minutes |
| h. | Request of City of Winter Park for:
Ordinance - amending Chapter 98 of the Winter Park Code, prohibiting micromobility devices and the obstruction of streets, right-of-ways and sidewalks by, and regulating the use of, bicycles, electric bicycles, micromobility devices and motorized scooters within the City. (First Reading) | 20 minutes |

12. City Commission Reports

13. Summary of Meeting Actions

appeals and assistance

"If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F.S. 286.0105)

"Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office ([407-599-3277](tel:407-599-3277)) at least 48 hours in advance of the meeting."



City Commission **agenda item**

item type Invocation	meeting date December 9, 2020
prepared by Rene Cranis	approved by
board approval	
strategic objective	

subject

Pastor Todd Haymans, Aloma Church

motion / recommendation

background

alternatives / other considerations

fiscal impact



City Commission **agenda item**

item type City Manager's Report	meeting date December 9, 2020
prepared by Jennifer Guittard	approved by Peter Moore, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

City Manager's Report

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

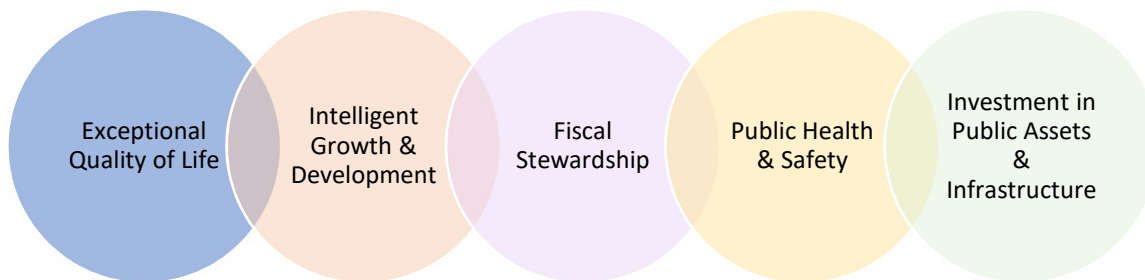
[90Day Report 12.9.20.pdf](#)



90-Day Report

This outline provides a timetable for issues and items that are planned to come before the commission over the next three months as well as the status of initiatives that do not have any determined completion date. These are estimates and will be updated on a monthly basis.

City of Winter Park Strategic Objectives



Upcoming Commission Items

Title 1: Exceptional Quality of Life

Item	Description	Item Department	Item Date
Electric Vehicle Readiness	The EV Building related ordinance was approved by the construction board and will be advanced along with the Planning related EV Ordinance as companion ordinances. Both are scheduled to be brought to commission in January.	Building & Permitting	Jan
MLK Park Plan	City has contracted professional services through Dix-Hite to conduct review of MLK master plan, assessment of neighborhood connectivity with MLK Park and Library/Event Center, and provide suitable options for replacement of Shady Park spray feature. Meetings are underway with Dix-Hite to determine concepts and cost. CRA has ability to address some improvements at this site with potential funding as part of the CRA CIP.	Parks	Feb

Item	Description	Item Department	Item Date
Tree Preservation Ordinance	Ordinance revisions from Trees Preservation Board is being worked on by staff. Once approved by the Tree Preservation Board it will go to Planning and Zoning board in Dec/Jan. After staff address comments it will be presented to Commission.	Parks	Feb

Title 2: Intelligent Growth & Development

Item	Description	Item Department	Item Date
Building Construction Ordinance	Changes to the building construction ordinance to be reviewed by Planning & Zoning Board along with the Construction Board of Adjustments then presented to Commission for adoption.	Building & Permitting	Jan
Planning Public Hearings	Future Land Use and Zoning Amendments, road vacation requests and Conditional Use for the Henderson Hotel on properties bounded by Lake Killarney, Beachview, Grove and Fairview avenues. Approval of the last remaining lakefront lot that requires Commission approval within the Country Club neighborhood at 520 Country Club Drive. Zoning text amendment and conditional use to allow a specialty transportation business at the former Orchard Supply hardware property a 1111 S Orlando Ave. Future Land Use and Zoning Amendments and Conditional Use for 310 N New York Avenue.	Planning & Transportation	Jan
Turf Ordinance	Ordinance to adopt regulations for the consideration of artificial turf as an impervious surface to residential lots will be reviewed by P&Z then brought back to Commission.	Public Works	Jan
Planning Public Hearings	Future Land Use/Zoning Amendment, and Conditional Use request for the Skycraft property on Fairbanks Avenue and annexation of properties to the North.	Planning & Transportation	Feb

Title 3: Investment in Public Assets & Infrastructure

Item	Description	Item Department	Item Date
Sewer Capacity	Purchase of additional sewer capacity at Altamonte Springs.	Water & Sewer	Jan
Wastewater Interlocal Capital Contribution Payment	Finalize approval with the City of Orlando for waste water plant upgrades.	Water & Sewer	Jan
Wastewater Interlocal Contract	Renewal of Conserv II sewer treatment contract with Orlando.	Water & Sewer	Jan
City Private Fiber Network	Contract for design-build of the city's private fiber network in response to ITN-6-2019 Fiber Optic Connectivity.	Administration /IT	Jan
CRA Agency Meeting	Agenda item discussion to include: 1) Expansion of public Wi-Fi as recommended by EDAB and the Chamber's Economic Recovery Task Force. 2) Update on Central Park Stage design concepts. 3) Shady Park update. 4) Update on MLK Park and improvements that can be funded within the CIP budget.	CRA	Jan

Additional Items of City Interest

Title 4: Exceptional Quality of Life

Item	Description	Item Department
Library & Events Center	The Library/Events Center construction continues on schedule and on budget. The steel erection of the Library and Events Center is complete. The concrete floor of the first and second floor of the Library is complete and protected and framing of the second floor interior walls is substantially complete. Rough-in of mechanical, electrical, plumbing and fire protection systems is in full swing in the Library. Most notably from the exterior, the concrete precast skin of the Library is being installed starting along the east elevation and proceeding clockwise. This effort is 80% complete and will take approximately 1 more week on the Library and will progress to installation on the Events Center once complete at the Library. Installation of window glazing will follow immediately behind that. The concrete second floor deck of the Events Center has been poured in preparation for the precast concrete skin installation. The Events Center slab on grade will be poured next week. The foundations for the porte cochere are complete. Site utilities and pond reshaping are complete. The outdoor amphitheater stage will be poured by mid-December.	Public Works
Public Art for I-4	Design selection company, RLF, is currently negotiating contract with the city and finalizing construction costs to bring the project in at the \$150k budget. This public art project, paid for by FDOT, is planned to be installed at the NE corner of W. Fairbanks and I-4, by June 30, 2021. The installation date was extended by four months due to COVID-19.	Administration

Title 5: Intelligent Growth & Development

Item	Description	Item Department
Sustainability Plan	The KWPB&S Board will review the current Sustainability Action and refresh it with updated goals in the shorter term (2025) and longer term (2050). These proposed updates would be presented to related City Boards for feedback and support.	Sustainability & Planning

Title 6: Investment in Public Assets & Infrastructure

Item	Description	Item Department
Electric Undergrounding	Miles of Undergrounding performed Project G: 4.1 miles 88% complete Project I: 6.9 miles 64% complete Project W: 0.26 miles 85% complete TOTAL so far for FY 2021: 1.2 miles	Electric
Fairbanks Transmission	Project is 97% complete. All old poles are removed. Street light installation has begun.	Electric
Lakes Health Analysis	The Natural Resources Division of Parks (where lakes management now resides) along with Public Works, is preparing a presentation detailing historic and existing lake water quality along with previously implemented improvement projects and proposed future projects for information and discussion. It will illustrate excellent, good and impaired water quality criteria and where the City lakes rank accordingly.	Parks

Upcoming Advisory Board Meetings

This report provides a summary of upcoming board meetings currently scheduled on the calendar for the next month. The full calendar is accessible on the City's website at: <https://cityofwinterpark.org/government/board-public-meetings/>

Additional information relating to all of the City's boards such as meeting schedules, agendas, minutes, and board membership can be located on the City website at: <https://cityofwinterpark.org/government/boards/>

December Board Meetings

Advisory Board	Meeting Date	Meeting Time
Civil Service Board	12/1/20	4 p.m.
Planning and Zoning Board	12/1/20	6 p.m.
Tree Preservation Board	12/3/20	5 p.m.
Economic Development Advisory Board	12/8/20	8:15 a.m.
Lakes and Waterways Advisory Board	12/8/20	Noon
Historic Preservation Board	12/9/20	9 a.m.
Community Redevelopment Advisory Board	12/10/20	Noon
Planning and Zoning Board	12/14/20	Noon
Keep Winter Park Beautiful and Sustainable Advisory Board	12/15/20	11:45 a.m.
Board of Adjustments	12/15/20	5 p.m.
Public Art Advisory Board	12/21/20	Noon
Transportation Advisory Board	12/21/20	Canceled

Note: This calendar does not include work sessions.



City Commission **agenda item**

item type City Manager's Report	meeting date December 9, 2020
prepared by Jennifer Guittard	approved by Peter Moore, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Active CIP Report

motion / recommendation

background

alternatives / other considerations

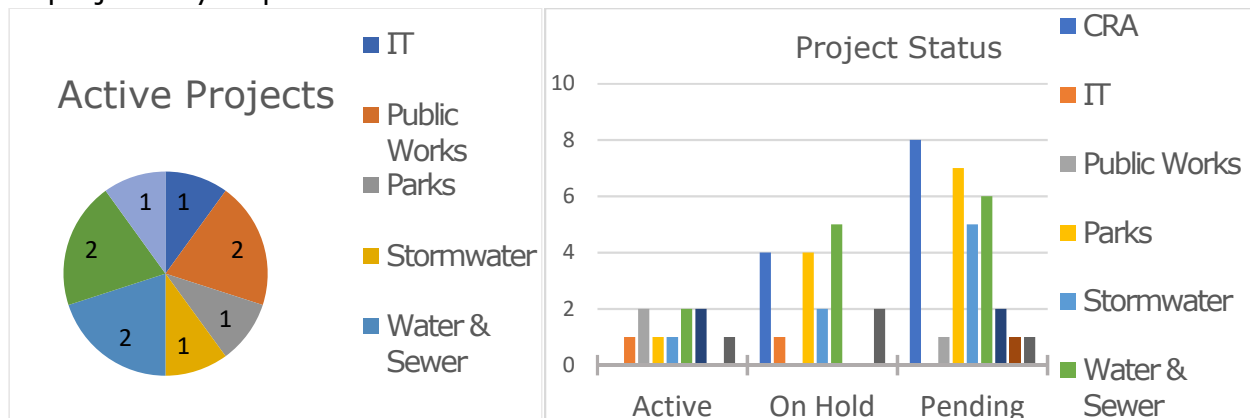
fiscal impact

ATTACHMENTS:

[CIP Report 12.9.20.pdf](#)



This report is updated monthly to monitor active capital projects occurring throughout the city and to provide information about recently completed projects. These are aligned with the city's strategic objectives and covers any project where implementation is currently underway. The below chart and graph show the count of projects by Department.



Note: Charts show the count of Capital Projects. Active projects have begun construction. On Hold projects have stopped work for further review, planning, and approval. Pending projects are still in the planning, purchasing, and approval process.

Active Projects with Tasks

Title 1: Exceptional Quality of Life Objective

Project	Project Tasks	Division
Library	The Library/Events Center construction continues on schedule and on budget. The steel erection of the Library and Events Center is complete. The concrete floor of the first and second floor of the Library is complete and protected and framing of the second floor interior walls is substantially complete. Rough-in of mechanical, electrical, plumbing and fire protection systems is in full swing in the Library. Most notably from the exterior, the concrete precast skin of the Library is being installed starting along the east elevation and proceeding clockwise. This effort is 80% complete and will take approximately 1 more week on the Library and will progress to installation on the Events Center once complete at the Library. Installation of window glazing will follow immediately behind that. The concrete second floor deck of the Events Center has been poured in preparation for the precast concrete skin installation. The Events Center slab on	Public Works

Project	Project Tasks	Division
	grade will be poured next week. The foundations for the porte cochere are complete. Site utilities and pond reshaping are complete. The outdoor amphitheater stage will be poured by mid-December.	
Winter Park Sports Complex	Continuing restoration of the area of Ward Park between Baseball fields and the Center for Health and Wellbeing. Labyrinth has been installed and is able for use, however landscaping around the area is still pending. Playground equipment from same grant from WPHF was received in early November and install is scheduled for Dec/January. Court resurfacing of Cady Way Tennis Courts and pickle ball conversion scheduled for late 2020/early 2021.	Parks
Bicycle & Pedestrian Improvement	Construction of sidewalk on Dundee is 90% completed. Garden Drive residents voted in favor for the sidewalk project, design is underway and the City will hold a public meeting with the residents. Cameilia Avenue sidewalk project will commence after Garden Drive.	Transportation

Title 2: Fiscal Stewardship Objective

Project	Project Tasks	Division
ERP Software Project	Currently implementing software modules for parking tickets, Code Enforcement, and Utility Billing.	IT

Title 3: Intelligent Growth & Development Objective

Project	Project Tasks	Division
Lift Station R&R	Lift station #61 rehabilitation complete. Researching relocation of Pennsylvania lift station.	Water & Sewer

Title 4: Investment in Public Assets & Infrastructure

Project	Project Tasks	Division
Electric Undergrounding Project	Miles of Undergrounding performed Project G: 4.1 miles 88% complete Project I: 6.9 miles 64% complete Project W: 0.26 miles 85% complete TOTAL so far for FY 2021: 1.2 miles	Electric
Facility Capital Improvements	Building 10 HVAC equipment has been ordered and install scheduled within 60 days. Floor cleaning for Public Safety and Building 10 has begun.	Public Works
Fairbanks Underground Project	Project is 97% complete. All old poles are removed. Street light installation has begun.	Electric

Project	Project Tasks	Division
Upgrade Water Mains	Park North currently underway. Lake Knowles Terrace, Flora Park, Winter Park Heights and Conwell Estates subdivision planned for water main upgrades to start after the new year.	Water & Sewer
Winter Park Rd SW Pond	Land purchase complete. Design complete. Land to be cleared by end of Dec.	Stormwater

Major Non-City ROW Work

TECO Gas

The utility will be working in Winter Park to locate, repair, and replace gas mains along Palmer Ave. and side streets in a multi phased improvement project. They are currently on phase 3 of 4. We receive planned updates as they submit permitting. Estimated completion summer 2021.

Recently Completed Projects

Stormwater

The Stormwater department completed 4 capital projects as part of the Investment in Public Assets & Infrastructure strategic objective to provide stormwater quality and clarity. Drainage improvements at Kings Way at Fawsett and Highland Road replaced outfall CDS. Arbor Park received improvements to underdrains. Sharon Place storm water drainage inlets have been installed.



City Commission **agenda item**

item type City Manager's Report	meeting date December 9, 2020
prepared by Rene Cranis	approved by
board approval	
strategic objective	

subject

Discussion of Strategic Planning Schedule

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Proposed Strategic Planning Schedule.pdf](#)

Proposed Strategic Planning Schedule

Action	Date
Update Administrative Policy (requiring annual strategic planning)	December 9, 2020
Issue RFP for statistically valid citizen survey	December 14, 2020
Gather topics to be included in survey	January 13, 2021
Commission award contract to top ranked organization	January 27, 2021*
Issue Citizen Survey	February 15, 2021*
Discuss Strategic Planning format and facilitation options	March 24, 2021
Receive results of Citizen Survey	April 14, 2021*
Schedule Strategic Planning Session	April/May 2021



City Commission **agenda item**

item type Consent Agenda	meeting date December 9, 2020
prepared by Rene Cranis	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Approve the minutes of the work session, November 5, 2020

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[1105ws OAO Progress Point.docx](#)



City Commission Work Session Minutes

November 5, 2020 at 1:00 p.m.

Virtual Meeting

Present

Vice Mayor Carolyn Cooper
Commissioner Marty Sullivan
Commissioner Todd Weaver
Commissioner Sheila DeCiccio

City Clerk Rene Cranis

Also present:

Bronce Stephenson, Director of Planning and Transportation
ACi Architects, Larry Adams and Scott Webber
LandDesign, Chad Kovaleksi and Ray Waugh
Daryl Spradley, Charles Wayne Consulting

Meeting Called to Order

Vice Mayor Cooper called the work session to order at 2:01 p.m.

OA Discussion

a. Progress Point

Vice Mayor Cooper opened the meeting for introductions of representatives of ACi Architects and LandDesign. She asked for the status on the scope of work.

Mr. Adams gave a brief recap of the vision and deal points discussed by the Commission at the at the July 23, 2020 work session. He stated that today's update would focus on the vision and refining it into a high-level schematic including key deal points, as well as identifying any challenges such as storm water capacity and realigning Palmetto Avenue. He gave a brief overview of the areas being covered in the update.

Mr. Waugh presented a map of the existing stormwater infrastructure on both sides of Orange Avenue and discussed the stormwater flow and collection and retention challenges for Progress Point. He stressed the importance of considering solutions for stormwater treatment and hot spot occurrences.

Mr. Waugh presented images of Palmetto Avenue in its current location and discussed challenges related to the realignment such as moving land to the park side of the property, utilities along Palmetto, the buried cell tower foundation and the arsenic area of capped concrete. He provided additional slides showing the stormwater conflict areas on the property.

Mr. Waugh provided images of existing street conditions for the area surrounding Progress Point. He discussed enhancements to the park as well proposals for a multi-use trail, pedestrian

lighting, streetscapes, brick resurfacing, landscaping and potential cross-sections throughout the corridor. He explained that the group was in the early stages of discussing how the site would become the entrance to Mead Garden and the corridor and is developing the cost estimate to begin discussions with the Commission on moving forward.

Discussion ensued on solutions for the stormwater conflict areas and flooding on Orange Avenue and at the five-point intersection. It was noted that in the minutes from the previous work session that options for stormwater and associated costs would be provided to the Commission so informed decisions could be made.

Mr. Adams addressed market data research for the park including the best market segments for the site, food space, collaborative work space and cultural arts & education partnerships. Discussion was held on parking options for the area including public/private partnerships, Jewett Orthopedic parking options, leased parking for small businesses, free and/or monetized parking, community parking and surface vs. structured parking.

Discussion was held on the timing and construction for the park, buildings and parking. Commissioner DeCiccio stated that the types of businesses would dictate the amount of parking needed. After discussion, consensus was that the types of developments would be next to the park would be identified prior to discussions on parking needs. Mr. Adams briefly discussed parking space requirements based on types of programming options at the park and noted that Mead Garden has expressed interest in future use of the parking garage for certain events throughout the year.

Mr. Adams stated that the group has had conversations with Orlando Health, Mead Garden, and Valencia College on cultural and education partnerships and stated that Orlando Health is motivated in sponsoring programs and becoming a greater presence in the community. He presented various educational programs and partnership opportunities such as food and wellness programs at the park. He suggested asking a developer or culinary tenant, through the RFP process, to provide a small classroom where students could be taught how to grow food. Consensus was to utilize space at Mead Garden as an option for a food lab/classroom.

Daryl Spradley, Chase Bradley Consulting, presented demographic indicators, site evaluation, market/demand drivers and development recommendations. He stated that one of the most important demand drivers for the group is employment as it relates to the immediate market area. He provided slides showing the Progress Point property and discussed market research for the following:

- Employment by place of work at ¼ mile radius and a 3-mile radius
- Food analysis - primary trade area with a 5-minute drive time.
- Purchases for food at home and away from home in the US – Jan 2019 to present
- Percentage share of food away from home by generation in the US
- Demand for food services and drinking places in the primary trade area
- Metro Area food hall map

- US food halls

Discussion was held on the definition of a food hall and the types of micro retail one might see in a food hall concept. Ms. Spradley responded to questions on how food halls and micro retail become an “incubator” for smaller businesses to grow, the quality of decor, what demographic should be pursued for this concept and what types of identifiers will indicate to a person that they are in Winter Park.

After discussion on details of development of the property and buildings, the following items were approved by consensus:

- One-story concept with rooftop element.
- Hybrid solution with the City maintaining the Palmetto Avenue right-of-way, with on-street parking similar to Park Avenue.
- Oak trees (not palm trees) throughout the corridor and the park site.
- Use of quality of building materials for construction
- Keeping height and mass compatible with existing buildings and the addition of Winter Park-specific micro retail shop.

Mr. Stephenson informed the Commission that Jeffrey Blydenburgh requested to meet with the commission to discuss “master planning” for the site. Vice Mayor Cooper suggested setting up a 2-hour meeting time for residents to address the Commission and present their ideas for Progress Point in 15-minute intervals. Staff will coordinate the details for the meeting.

Approved by consensus.

Additionally, Vice Mayor Cooper noted that two public sessions, visualizations from LandDesign and transportation from Kimley-Horn, need to be scheduled. Staff will coordinate the details for the meetings. Approved by consensus.

Vice Mayor Cooper asked staff to create a 5-minute video informing the public of the changes to the existing code so people have an idea of what questions to have prior to the meeting. In response to questions regarding vetting presentations, Mr. Stephenson remarked that Staff will vet the presentations prior to the meeting.

Parking, FAR, setbacks and building height will be discussed at the next OAO work session.

The work session adjourned at 5:37 p.m.

Steve Leary, Mayor

Attest:

City Clerk Rene Cranis



City Commission **agenda item**

item type Consent Agenda	meeting date December 9, 2020
prepared by Rene Cranis	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Approve the minutes of the regular meeting, November 11, 2020

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[1111.20 rs.pdf](#)



City Commission Regular Meeting Minutes

November 11, 2020 at 3:30 p.m.

Winter Park Community Center
721 W. New England Avenue | Winter Park, Florida

Present

Mayor Steve Leary

Commissioner Marty Sullivan

Commissioner Sheila DeCiccio

Commissioner Carolyn Cooper

City Manager Randy Knight

City Attorney Kurt Ardaman

Administrative Coordinator Stephanie Ecohardt

Absent

Commissioner Todd Weaver

1) Meeting Called to Order

Mayor Leary called the meeting to order at 3:30 p.m.

2) Invocation and Pledge of Allegiance

Rabbi David Kay, Congregation of Ohev Shalom, provided the invocation followed by the Pledge of Allegiance.

3) Approval of Agenda

Motion made by Commissioner DeCiccio to approve the agenda, seconded by Commissioner Sullivan. Motion carried unanimously with a 4-0 vote.

4) Mayor's Report

Mayor Leary asked that Commissioners remind their appointed board members of proper decorum in meetings.

5) City Manager's Report

- Advised that city staff is preparing for the potential storm.
- Gave an update on the purchase of bollards for street closures which will be installed in pilot locations after the holiday season.
- Asked for a work session on 5G technology. Approved by consensus. Commissioner Cooper asked that Attorney Ardaman be present.
- Reminded the Commission that Civil Service Board appointments will be made in the December 9th meeting by the three most senior members of the Commission - Mayor Leary and Commissioners Cooper and Weaver.

6) City Attorney's Report

- Gave an update on the Summer Way lift station which may require Commission action if a resolution cannot be reached.
- Stated that alternatives related to the Kimley Horn study are being researched and will be presented soon.
- Reported that the appeal process in the arbor litigation by City of Pensacola is ongoing.
- Responded to Commissioner Cooper's request relating to implementation of an impact fee, mobility fee or a combination thereof, stating that it is possible to implement those before the vote on the OAO.
- In response to questions by Commissioner Cooper, Mr. Knight advised that the ordinances that were not codified were sent for codification and he will send a list of those ordinances to the Commission.

7) Non-Action Items

8) Citizen Comments | 5 p.m. or soon thereafter (heard after Item 10e)

9) Consent Agenda

- a. Approve the minutes of the work session, October 21, 2020
- b. Approve the minutes of the work session, October 22, 2020
- c. Approve the minutes of the regular meeting, October 28, 2020
- d. Approve the following Piggyback contracts:
 1. Dana Safety Supply, Inc. - Seminole County IFB-603904-20 – Purchase of Lights and Graphics for Fire Department Rolling Stock; \$75,000 per year. Contract term through September 1, 2023.
 2. Cubix, Inc. - Sourcewell 121215-MAC - Flooring Supplies & Services; additional \$75,000 for contract term.
 3. Tyco Integrated Security, LLC - Sourcewell 031517-TIS - Facility Security Equipment, Systems & Services; additional \$70,000 for contract term.
 4. Sunbelt Rentals, Inc. - OMNIA Partners R200601 - Equipment and Tool Rental Services; \$75,000 per year. Contract term through October 31, 2023.
 5. Municipal Emergency Services - Lake County 17-0606G - Fire Equipment Parts, Supplies & Service; additional \$50,000 for contract term.
 6. Core & Main, LP - Pinellas County ITB#156-0035-B(LN) - Water & Sewer Materials; additional \$270,000 for contract term.
 7. Motorola Solutions - State of Florida #43190000-18-NASPO-ACS-1 – Public Safety Communication Equipment, Phase 2: Radios, Consoles, Antennas & Repeaters; not to exceed \$178,000.

e. Approve the following purchase:

1. Environmental Products of Florida - Utilizing Sourcewell Contract 122017-FSC - Sewer Vacuum, Hydro-Excavation, and Street Sweeper Equipment, with Related Accessories and Supplies; \$400,000. Contract term through 2/20/22.

Motion made by Commissioner Cooper to approve the Consent Agenda, seconded by Commissioner DeCiccio. There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio and Cooper voted yes and Mayor Leary voted no. Motion carried with a 3-1 vote.**

10) Action Items Requiring Discussion

a. City Manager Annual Evaluation

Assistant City Manager Michelle Neuner advised that the budget allows for an increase up to 3.5% for city employees based on performance.

Motion made by Mayor Leary to approve a 2.5% bonus, seconded by Commissioner Cooper.

Motion made by Commissioner DeCiccio to approve a 2.5% salary increase; seconded by Commissioner Sullivan. (Withdrawn by Commissioner DeCiccio)

Members of the Commission commended Mr. Knight's performance and after discussion on a bonus as compared to a salary increase, Commissioner DeCiccio withdrew her motion. There were no public comments.

Upon a roll call vote on the motion to approve a 2.5% bonus, Mayor Leary and Commissioners Sullivan, DeCiccio and Cooper voted yes. Motion carried unanimously with a 4-0 vote.

b. Electric Fuel Rate Holiday

Mr. Knight stated this is to consider a fuel rate holiday for December. He provided three options: 1) do nothing; 2) give a fuel rate holiday in December, and 3) provide fuel cost reduction over the course of 2021.

Motion made by Commissioner Cooper to approve Option 3, seconded by Mayor Leary. There were no public comments. **Upon a roll call vote, Mayor Leary and Commissioners Sullivan, DeCiccio and Cooper voted yes. Motion carried with a 4-0 vote.**

c. Roadway alignment of Bennett Road and Executive Drive in connection with the Ravaudage Development.

Sarah Walter, Transportation Manager, gave a presentation on the Bennett Avenue realignment, current street conditions and reviewed five alternatives and their impact.

FDOT has reviewed the alternatives and indicated their preference for Alternative 2 to maintain the existing Bennett Avenue creating a "T" intersection to be signalized with pedestrian crossings once warranted, followed by Alternative 4, 5, 1 and 3. She reviewed the city's responsibility toward the cost of improvements and stated staff concurs with FDOT. Mrs. Walter responded to questions and discussion followed on the alternatives.

Motion made by Commissioner Cooper to approve Alternative 5 to align Bennett Avenue with Executive Drive and install a directional median. Motion failed for lack of second.

Motion made by Commissioner DeCiccio to approve Alternative 2, seconded by Commissioner Sullivan. There were no public comments. Upon a roll call vote, Mayor Leary and Commissioners Sullivan and DeCiccio voted yes and Commissioner Cooper voted no. Motion carried with a 3-1 vote.

d. Micromobility Ordinance Discussion

Mrs. Walter provided the background on micromobility discussions and feedback from Transportation Advisory Board on the ordinance presented at first reading. She presented two options: 1) have first reading on the ordinance based on TAB input that the ordinance too restrictive and that personal electric bicycles and electric scooters should be allowed within the city, or 2) have second reading on the ordinance approved on first reading. She explained the revised provisions and prohibitions for use of privately-owned devices.

Consensus was to move forward with first reading of the revised ordinance with TAB comments.

e. Department Unfunded Capital Project List

Mr. Knight presented a list of capital projects developed by staff for the Commission to consider including in a potential bond referendum in March.

Commissioner DeCiccio reviewed information provided by staff that current debt service will be paid out in the next fiscal year leaving only the debt service for the Library and Event Center and that the annual payment for a new bond would be approximately \$600,000 for every \$10 million of bonds issued. She spoke in favor of moving forward with some projects including Mead Garden improvements.

Commissioner Sullivan said he feels capital projects should be prioritized.

Commissioner Cooper said she believes that the process should start with a strategic plan. She outlined her priorities that include reuse of existing library, conversion of septic to sewer, expansion of reclaimed water facilities, artificial turf, stormwater drainage improvements, and parks and median enhancements. She said she is in favor of a bond but not without a strategic plan, a resident survey and proper vetting of each project.

Mayor Leary agreed with Commissioner Cooper regarding a citizen survey and old library site. He commented projects for fiber optics and turfing playing fields at MLK.

After discussion, consensus was to schedule a strategic planning session.

Motion made by Commissioner Cooper to table with no time certain; seconded by Commissioner Sullivan. Upon a roll call vote, Commissioners Sullivan and Cooper voted yes and Mayor Leary and Commissioner DeCiccio voted no. Motion failed with 2-2 vote.

The project list was discussed and revised. Mr. Knight advised the revised total is \$10,791,000. Discussion ensued on the need to discuss the list prior to first reading on December 9th in order to have a bond referendum on the March 2021 ballot.

Motion made by Commissioner DeCiccio to include City facility site securitization and access control enhancements, \$625,000, seconded by Commissioner Sullivan.

Motion made by Commissioner DeCiccio to include Temple Drive stormwater, \$1.2 million, seconded by Commissioner Sullivan.

Motion made by Commissioner DeCiccio to include Farmers Market facilities upgrade, \$96,000, seconded by Commissioner Sullivan.

Motion made by Commissioner DeCiccio to include Winter Park Sports Complex, \$870,000, seconded by Commissioner Sullivan. (Motion revised below to include the artificial turf)

Motion made by Commissioner DeCiccio to include Fire Department training facility, \$500,000, seconded by Commissioner Sullivan.

Motion made by Commissioner DeCiccio to include Denning and Fairbanks turn lane additions, \$1 million, seconded by Commissioner Sullivan.

Motion made by Commissioner DeCiccio to include Mead Garden improvements, \$500,000, seconded by Commissioner Sullivan.

Motion made by Commissioner Sullivan to include former Library reuse, \$6 million, seconded by Commissioner DeCiccio.

Julie von Weller, Williams Drive, spoke in support for drainage improvements at city playing fields and commended the Parks and Recreation staff for their work.

Motion made by Commissioner DeCiccio to increase the Sports Complex to \$2.47 million to include artificial turf, seconded by Commissioner Sullivan.

Mayor Leary advised that upon approval of motions, staff will draft an ordinance for a bond referendum which will be considered at two public hearings.

Upon a roll call vote to include City facility site securitization and access control enhancements, \$625,000, Mayor Leary and Commissioners Sullivan and DeCiccio voted yes and Commissioner Cooper voted no. Motion carried with a 3-1 vote.

Upon a roll call vote on the motion to include Temple Drive stormwater, \$1.2 million, Mayor Leary and Commissioners Sullivan and DeCiccio voted yes and Commissioner Cooper voted no. Motion carried with a 3-1 vote.

Upon a roll call vote on the motion to include Farmers Market facilities upgrade, \$96,000, Commissioners Sullivan and DeCiccio voted yes and Mayor Leary and Commissioner Cooper voted no. Motion failed with a 2-2 vote.

Upon a roll call vote on the motion to include Winter Park Sports Complex, \$2.47 million, Mayor Leary and Commissioners Sullivan and DeCiccio voted yes and Commissioner Cooper voted no. Motion carried with a 3-1 vote.

Upon a roll call vote on the motion to include Fire Department training facility, \$500,000, Mayor Leary and Commissioners Sullivan and DeCiccio voted yes and Commissioner Cooper voted no. Motion carried with a 3-1 vote.

Upon a roll call vote on the motion to include Denning and Fairbanks turn lane additions, \$1 million, Commissioners Sullivan and DeCiccio voted yes and Mayor Leary and Commissioner Cooper voted no. Motion failed with a 2-2 vote.

Upon a roll call vote on the motion to include Mead Garden improvements, \$500,000, Mayor Leary and Commissioners Sullivan and DeCiccio voted yes and Commissioner Cooper voted no. Motion carried with a 3-1 vote.

Upon a roll call vote on the motion to include former Library reuse, \$6 million, Commissioners Sullivan and DeCiccio voted yes. Mayor Leary and Commissioner Cooper voted no. Motion failed with a 2-2 vote.

8) Citizen Comments | 5 p.m. or soon thereafter

David Williams, 209 Tyree Lane, expressed his concerns about his neighborhood and the decline in property values due to the lack of division between commercial and residential. He spoke about the ongoing projects that have been approved by the city which he feels are incompatible with the neighborhood.

Lawrence Lyman, 1731 Diana Drive, thanked the commission for moving forward of funding improvements at the playing fields and staff for their efforts.

Mayor Leary declared a recess at 6:00 p.m. and reconvened the meeting at 6:15 p.m.

11) Public Hearings

- a. RESOLUTION 2238-20 - A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA, ADOPTING A SINGLE-USE PRODUCTS POLICY ON CITY PROPERTY AS A PILOT PROGRAM; PROVIDING FOR CONFLICTS AND EFFECTIVE DATE.

Kris Stenger, Assistant Director of Planning and Permitting Services, reviewed the resolution adopting the policy for a pilot period of one-year and the results of the survey of vendors.

Attorney Ardaman read the resolution by title.

Motion made by Commissioner Sullivan to approve the resolution, seconded by Commissioner Cooper.

Motion made by Commissioner Sullivan to amend the resolution to remove the one-year pilot program provision, seconded by Commissioner DeCiccio.

There were no public comments.

Upon a roll call vote on the amendment removing the pilot program, Commissioners Sullivan and DeCiccio voted yes and Mayor Leary and Commissioner Cooper voted no. Motion failed with a 2-2 vote.

Upon a roll call vote on the main motion to approve as presented, Mayor Leary and Commissioners Sullivan, DeCiccio and Cooper voted yes. Motion carried unanimously with a 4-0 vote.

- b. RESOLUTION 2239-20 - A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF THE LICENSE AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF WINTER PARK CONCERNING THE SHARING OF REAL TIME TRAFFIC SYSTEM DATA AND THE JOINT USE OF THE REGIONAL – INTEGRATED CORRIDOR MANAGEMENT (“RICM”) SOFTWARE SYSTEM; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Ardaman read the ordinance by title.

Hong Lim, Engineer, gave an overview of the agreement and software system which will monitor traffic conditions and said staff is recommending approval of the resolution.

Commissioner Cooper asked for clarification on the Item 12 of the agreement relating to shared operation of CCTV cameras. Mr. Ardaman explained that this agreement allows for the shared use of the cameras by both FDOT and the City.

Motion made by Mayor Leary to the approve the resolution, seconded by Commissioner DeCiccio.

In response to questions, Mr. Ardaman said he will work with FDOT to clarify in the agreement that sharing of the cameras will be for transportation purposes only.

Upon a roll call vote, Mayor Leary and Commissioners Sullivan, DeCiccio and Cooper voted yes. Motion carried unanimously with a 4-0 vote.

- c. ORDINANCE 3188-20 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING ARTICLE IV OF CHAPTER 58 OF THE LAND DEVELOPMENT CODE CONCERNING SIGN REGULATIONS; PROVIDING FOR REVISED REGULATIONS RELATING TO TEMPORARY SIGNAGE; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. (Second Reading)

Attorney Ardaman read the ordinance by title only.

Motion made by Commissioner Sullivan to adopt the ordinance, seconded by Commissioner DeCiccio.

Motion made by Commissioner Cooper to amend the ordinance to require that active development signs shall be consistent with multi-family and commercial For Sale signs of 12 square feet. Motion failed for lack of second.

There were no public comments.

Upon a roll call vote on the motion to adopt the ordinance as presented, Mayor Leary and Commissioners Sullivan and DeCiccio voted yes and Commissioner Cooper voted no. Motion carried with a 3-1 vote.

- d. ORDINANCE 3189-20 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING ARTICLE IV "SIGN REGULATIONS" OF CHAPTER 58 LAND DEVELOPMENT CODE; PROVIDING FOR REVISED REGULATIONS RELATING TO AMENDMENTS TO DEFINITIONS; MODIFICATIONS FOR SIGNAGE IN CERTAIN ZONING LOCATIONS; CLARIFYING TYPES OF PERMITTED AND PROHIBITED SIGNS; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. (Second Reading)

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner DeCiccio to adopt the ordinance, seconded by Commissioner Sullivan.

Motion made by Commissioner Cooper to amend the ordinance to increase the minimum clearance for under canopy signs from 7 to 7 ½ feet, seconded by Commissioner Sullivan.

There were no public comments.

Upon a roll call vote on the amendment, Mayor Leary and Commissioners Sullivan, DeCiccio and Cooper voted yes. Motion carried unanimously with a 4-0 vote.

Upon a roll call vote on the main motion as amended, Mayor Leary and Commissioners Sullivan, DeCiccio and Cooper voted yes. Motion carried unanimously with a 4-0 vote.

- e. Ordinance - Proposing amendments to the charter related to establishment of single member districts and providing for referendum at the election on March 9, 2021. (First Reading)

Attorney Ardaman read the ordinance by title.

Mr. Knight reviewed the provisions of the proposed ordinance for a referendum to create four single member districts. Mayor Leary read the proposed ballot language.

Motion made by Commissioner Cooper to deny the ordinance, seconded by Mayor Leary.

Commissioner Sullivan commented on the mixed support of single member districts and suggesting continuing this to educate and engage the residents and obtain feedback and then act on the ordinance on December 9th depending on the additional information and feedback received.

The following spoke in favor of the ordinance:

- Peter Schreyer, 2436 Tioga Trail
- Barbara Chandler, Coalition for Access and Representation (sent a petition signed by approximately 100 residents to the city.)
- Maria Bryant, 450 S. Virginia Avenue
- Wes Hodge, 2826 Fitzooth Drive
- Matthew Nichter, 140 Sandlewood Trail
- Lawanda Thompson, 664 W. Lyman Avenue

The following spoke in opposition of the ordinance:

- Gigi Papa, 1440 Hibiscus Avenue
- Tom McMacken, 1821 Shiloh Lane
- Carol Rosenfelt, 1642 Lookout Landing Circle (opposed to placing on 2021 ballot, need more information.)
- Charles Harris, 1430 Elizabeth Drive
- Jeanne Wall, 2110 Lake Drive

Upon a roll call vote on the motion to deny, Mayor Leary and Commissioner Cooper voted yes and Commissioners Sullivan and DeCiccio voted no. Motion failed with a 2-2 vote.

Motion made by Commissioner Sullivan to approve the ordinance, seconded by Commissioner DeCiccio. Upon a roll call vote, Commissioners Sullivan and DeCiccio voted yes and Mayor Leary and Commissioner Cooper voted no. Motion failed with a 2-2 vote.

- f. Ordinance - Amending adopted FY20 Budget (First Reading)

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Cooper to approve the ordinance, seconded by Commissioner DeCiccio. There were no public comments. Upon a roll call vote, Commissioners Sullivan, DeCiccio and Cooper voted yes and Mayor Leary voted no. Motion carried with a 3-1 vote.

- g. Request of Z Enterprises for:
- Subdivision or lot split approval to divide the property at 1530 Wilbar Circle, zoned R-1A, into two lots.
 - RESOLUTION 2236-20 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1530 WILBAR CIRCLE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney Ardaman read the ordinance by title.

Jeff Briggs, Planning Manager, reviewed the request to split the lot at 1530 Wilbar Circle. He explained that one variance is needed for the setbacks on the smaller lot due to the lot width.

Motion made by Commissioner Cooper to approve the lot split and resolution, seconded by Mayor Leary. There were no public comments. Upon a roll call vote, Mayor Leary and Commissioners Sullivan, DeCiccio and Cooper voted yes. Motion carried unanimously with a 4-0 vote.

- h. Request of Jim Veigle for:
Ordinance - Annexation of 2269/2267/2265/2263/2261/2259/2257 Kentucky Avenue. (First Reading)

Attorney Ardaman read the ordinance by title.

Mr. Briggs reviewed this request for annexation of several properties which will be joined with property fronting on Fairbanks Avenue for combined future development.

Motion made by Commissioner Cooper to approve the ordinance, seconded by Commissioner Sullivan. There were no public comments. Upon a roll call vote, Mayor

Leary and Commissioners Sullivan, DeCiccio and Cooper voted yes. Motion carried unanimously with a 4-0 vote.

- i. Request of Chris Tracy for:
 - Ordinance - annexing the property at 1800 Karolina Avenue
 - Ordinance - establishing Parking Lot (PL) Future Land Use
 - Ordinance - establishing Parking Lot (PL) Zoning (First Reading)
 - Conditional Use approval to build a two-story, 10,022 square foot office building on the combined properties at 1801/1805 West Fairbanks and 1800 Karolina Avenue.

A simultaneous public hearing was held on these requests. Attorney Ardaman read the ordinances by title only.

Mr. Briggs summarized these requests which will allow for development of three properties for an office building at the corner of Fairbanks and Karolina Avenue and reviewed the project renderings. Approval of the conditional use request is recommended by the Planning and Zoning Board with the following conditions:

1. That the project grant to the City an access easement across the parking lot at the entrance/exit traffic aisle so that the adjacent properties may be interconnected for access to/from Clay Street.
2. That one EV charging station be installed for the parking space adjacent to the handicapped spaces.
3. That the applicant partner with the City to implement a landscape pedestrian safety zone along the Fairbanks Avenue frontage, as deemed feasible.
4. That the applicant provide a pedestrian easement for the sidewalk improvements to be implemented along the Fairbanks Avenue frontage.

Commissioners Sullivan and Cooper disclosed that they met individually with Michael Clary and Chris Tracy.

In response to questions, Mr. Briggs reviewed the landscape plan that will provide a barrier to the surrounding residential area.

Commissioner Cooper asked that the Fairbanks Avenue design standards be placed on an upcoming agenda for adoption. She suggested a fifth condition that the applicant will provide landscaping along the exterior of the six-foot brick wall on Karolina, wall and landscaping to be maintained by the applicant.

Mr. Briggs stated that the applicant is required to complete the project in accordance with the plans presented which address Commissioner Cooper's suggestion. He said the third condition could be modified adding subject to approval by city staff.

Motion made by Commissioner Cooper to approve the three ordinances and conditional use with assurance from the applicant that the answers from staff are his position on these items.

Michael Clary, 1377 Richmond Road, representing the applicant, said that they met with each of the commissioners separately, staff and neighbors. He said that they are planting and maintaining landscaping in accordance with the plan which follows the Fairbanks Avenue design standards.

Motion seconded by Commissioner Sullivan.

Christopher Rank, 1880 Karolina Avenue, expressed his concern that this will lead to their property being taken and used for future redevelopment along Fairbanks Avenue and commercial development across from the homes on Karolina.

Zach Stovall, 1877 Karolina Avenue, said although he appreciates the city's effort to improve the Fairbanks Avenue corridor, he said that this sets a precedent for the rest of Karolina Avenue to allow parking lots across from the residential neighborhood.

Commissioner DeCiccio stated she met with Mr. Clary.

Upon a roll call vote to approve the annexation ordinance, Mayor Leary and Commissioners Sullivan, DeCiccio and Cooper voted yes. Motion carried unanimously with a 4-0 vote.

Upon a roll call vote to approve the comprehensive plan ordinance, Mayor Leary and Commissioners Sullivan, DeCiccio and Cooper voted yes. Motion carried unanimously with a 4-0 vote.

Upon a roll call vote to approve the zoning ordinance, Mayor Leary and Commissioners Sullivan, DeCiccio and Cooper voted yes. Motion carried unanimously with a 4-0 vote.

Upon a roll call vote to approve conditional use request as presented, Mayor Leary and Commissioners Sullivan, DeCiccio and Cooper voted yes. Motion carried unanimously with a 4-0 vote.

- j. Request of Benjamin Partners, Ltd for:
RESOLUTION 2237-20 - A RESOLUTION OF THE CITY COMMISSION OF THE OF WINTER PARK, FLORIDA, ADOPTING AMENDMENTS TO THE SECOND AMENDMENT TO THE AMENDED AND RESTATED DEVELOPMENT ORDER FOR THE RAVAUADGE DEVELOPMENT AS ORIGINALLY ADOPTED ON NOVEMBER 10, 2014, PROVIDING FOR, CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

Attorney Ardaman read the resolution by title.

Bronce Stephenson, Director of Planning and Transportation, reviewed the request for an amendment to the Development Order for Ravaudage to add annexed rights-of-way resulting entitlement changes.

Motion made by Commissioner Cooper to approve the resolution, seconded by Mayor Leary. There were no public comments. **Upon a roll call vote, Mayor Leary and Commissioners Sullivan, DeCiccio and Cooper voted yes. Motion carried unanimously with a 4-0 vote.**

Commissioner Cooper asked that staff provide a timeline for completion of this project.

- k. Request of the City of Winter Park for:
Ordinance amending Chapter 58, Land Development Code, Article III, "Zoning", to establish in the Office (O-1) zoning district, a new Conditional Use provision for restaurants, cafes, coffee shops and other food and beverage establishments and to provide criteria for such Conditional Uses. (First Reading)

Attorney Ardaman read the ordinance by title.

Mr. Stephenson reviewed the code changes that will allow for restaurants and other food and beverage establishments to locate on the ground floor of existing office buildings in the O-1 zoning district via conditional use approval. He presented maps identifying various buildings in the City that could benefit from reuse from empty lobby space to these types of uses.

Motion made by Mayor Leary to approve the ordinance as presented, seconded by Commissioner DeCiccio (revised and restated below)

Motion made by Commissioner Cooper to amend the ordinance to require a full-service commercial kitchen (mimic language for Park Avenue); seconded by Mayor Leary.

Motion made by Commissioner Cooper to amend the ordinance require a minimum of 300 feet from low density residential, seconded by Mayor Leary.

Motion made by Commissioner Cooper to amend the ordinance to restrict restaurant hours to after primary tenant's close of business in instances of shared parking.
Motion failed for lack of second.

Commissioner Cooper suggested that property owners within 1,000 square feet of the affected buildings should receive notice of these proposed changes.

Carol Rosenfelt, 1642 Lookout Landing Circle, stated that ordinance should clarify that it is specific to existing construction if it does not apply to new construction. Mr. Stephenson said he has made that change.

Mayor Leary revised the motion to approve the ordinance including clarification that this applies to adaptive reuse only, accepted by Commissioner DeCiccio.

Upon a roll call vote on the amendment requiring a minimum of 300 feet from low density residential property, Mayor Leary and Commissioners Sullivan, DeCiccio and Cooper voted yes. Motion carried unanimously with a 4-0 vote.

Upon a roll call vote on the amendment requiring a full-service commercial kitchen replicating the Park Avenue language, Mayor Leary and Commissioners Sullivan, DeCiccio and Cooper voted yes. Motion carried unanimously with a 4-0 vote.

Upon a roll call vote on the main motion as amended, Mayor Leary and Commissioners Sullivan and DeCiccio voted yes. Commissioner Cooper voted no. Motion carried with a 3-1 vote.

12) City Commission Reports

Commissioner Sullivan

- Thanked staff for their efforts in promoting recycling campaign signs.
- Asked that staff presentations on agenda items be included in the agenda packet.
- Presented graphs showing COVID cases in Orange County and statewide.
Complimented staff on their efforts to reduce the public risk during meetings.

Commissioner DeCiccio

- Asked for a CRA Agency meeting to discuss solar panels for the Library, playing fields at MLK, and other projects. Consensus was to schedule a meeting in January.

Commissioner Cooper

- Asked for information on the United Way 2-1-1 Program. Mr. Knight stated that the application process was difficult but the issue has been resolved and more residents have been using the program.
- Commented on the need for strategic planning and asked that annual strategic planning be added to the administrative policy. Consensus was to have staff send the administrative policy for review prior to discussion at commission meeting.
- Asked that city clerk to ensure that minutes are posted to the website in a timely manner.
- Asked to bring forward the Fairbanks Avenue design standards for approval.

Mayor Leary

- Wished all veterans a Happy Veteran's Day and thanked them for their service. Commissioner Cooper commended staff on the Veteran's Day video.
- Thanked staff for their efforts in the city's return to in-person meetings.

13) Summary of Meeting Actions

- Send list of ordinances that have not been codified.
- Schedule work session on 5G.
- Approved bonus for City Manager.
- Approved fuel cost reduction in 2021.
- Approved revised micromobility ordinance to come back for first reading.
- Schedule work session for first week in December to discuss list of approved projects for potential bond referendum.
- Approved resolution adopting municipal single use plastics policy.
- Approved resolution to execute the license agreement with FDOT regarding the sharing of real-time traffic data.
- Approved two ordinances revising sign regulations.
- Denied ordinance regarding single member districts.
- Approved ordinance on FY 2020 budget amendments on first reading.
- Approved lot split and historic designation of 1530 Wilbar Circle.
- Approved annexation ordinance on first reading for Kentucky Avenue properties.
- Approved annexation, land use, zoning and conditional use for 1800 Karolina Avenue.
- Approved resolution adopting amendments to the Ravaudage Development Order. Staff to provide information on the completion of the Ravaudage Development Order.
- Approved ordinance, with amendments, allowing for restaurants in O-1 zoning districts via conditional use. Send notices for second reading to residential properties surrounding O-1 properties.
- Include staff presentations in agenda packets.
- Schedule CRA meeting for January.
- Send administrative policy to Commission.
- Post board minutes more expeditiously.
- Bring back Fairbanks Avenue design guidelines.

Mayor Leary adjourned the meeting at 8:59 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis



City Commission **agenda item**

item type Consent Agenda	meeting date December 9, 2020
prepared by Rene Cranis	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Approve the minutes of the work session, November 19, 2020

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[111920.ws OAO.pdf](#)



City Commission Work Session Minutes

November 19, 2020

Virtual Meeting

Present

Vice Mayor Cooper
Commissioner Marty Sullivan
Commissioner Sheila DeCiccio
Commissioner Todd Weaver

City Manager Randy Knight
City Clerk Rene Cranis

Also Present

Director of Planning and Transportation Bronce Stephenson
Planner Allison McGillis
Transportation Manager Sarah Walter

1) Call to Order

Vice Mayor Cooper called the meeting to order at 1:00 p.m.

2) Discussion Item(s)

OAo Parking

Vice Mayor Cooper stated the focus of this meeting will be on parking. She gave a presentation beginning with the history of the parking code changes, the OAo Steering Committee Report regarding pre-existing parking deficiencies and a parking study by Base Consultants in 2013.

Vice Mayor Cooper addressed the OAo District parking survey and showed maps indicating the respondent's parking needs. Commissioner Weaver questioned whether consideration has been given to making Capen and Holt one-way to add more on-street parking. After discussion, staff advised they will study the feasibility of closing or making Capen one way.

Discussion continued on the parking survey results, parking needs and opportunities for property and business owners including parking within railroad right-of-way (staff to research), at Progress Point and incentives for building a parking garage for shared or leased parking. Mr. Stephenson stated it would more feasible to build a garage than surface parking but stressed the need to secure leases in advance due to the cost and funding.

Commissioner Weaver spoke in opposition of a parking garage at Progress Point. Commissioner DeCiccio said she would prefer starting with surface parking but feels that surface parking will not meet long-term needs. Commissioner Sullivan said that if a parking structure should be built sooner than later if it is determined one is needed. Vice-Mayor Cooper supported the parking structure and asked that staff pursue public/private partnerships and funding options. Mr. Stephenson stated that Bill Finfrock, whose company builds parking garages, is available to speak to the Commission regarding costs.

Mr. Knight stated he will provide a list of funding options that may include assessments, user fees, or use of reserve funding, but costs are needed first. Consensus was to invite Mr. Finfrock to a work session.

The following topics were discussed.

- Off-street parking requirements for different businesses/uses. Consensus was to retain current parking requirements for hotels and for staff to review multi-family parking requirements.
- Off street parking design with the goal to decrease the visibility of parking by having parking behind the building. Approved by consensus.
- Parallel Orange Avenue access - already deleted.
- Exchange of property for easements – requires equal swap.
- Off-street parking – No consensus on distance from building to required parking.
- Bicycle parking requirements – Mr. Stephenson explained that the existing buildings will not be required to provide bike parking but with increased cycling in the area, bike parking will be needed.

Vice Mayor Cooper declared a recess at 2: 45 p.m. and reconvened the meeting at 3:00 p.m.

Discussion continued on the following topics.

- Parking exclusion shall apply to existing square footage or floor space.
- Floor Area Ratio for parking structures – proposed to be excluded from FAR calculation.
- Estimated entitlements based on maximum FAR. Vice Mayor Cooper reviewed a graph which shows that a parking garage will increase mass by at least 50%.
- Shared parking requires some parking spaces to be shared through leases to other properties, spaces open to the general public, collectives, and electric charging stations.

- Subarea A and B properties shall get priority for leasable parking garage. Consensus was to remove Subarea B from this provision.
- Parking structures must meet design standards.
- Parking structures on the north side of Fairbanks shall not be allowed.
- Parking structures west of Orlando Avenue shall not be exempt from FAR for structures greater than two levels. Discussion was held on the whether to exclude the open-air top level, ground level or subterranean levels from the definition of FAR.
- Roads discussed for abandonment - Palmetto, Vivian, Harmon, Holt, Capen with on-street parking continuing on Palmetto and on Harmon where realigned and where parking currently exists.

In response to Commissioner Cooper, Mr. Stephenson stated that he has made changes based on consensus reached during work sessions; however, what is needed is what Progress Point can provide to the benefit of the surrounding area.

Vice Mayor Cooper asked that additional thought be given to the FAR and whether the Orchard Supply, TDT Bank and Commerce National Bank properties should be included, individually and collectively, in the OAO. The definition of FAR is needed as it relates to which parking structure levels should be included in the FAR calculation.

Mr. Stephenson said he will in invite Mr. Jeff Blydenburgh and Mr. Bill Finfrock to the next work session December 10th at 1:00 p.m.

3) Adjournment

The meeting adjourned at 4:12 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis



City Commission **agenda item**

item type Consent Agenda	meeting date December 9, 2020
prepared by Amanda LeBlanc	approved by Jennifer Maier, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship.	

subject

Approve the following Piggyback contracts:

item list

1. Home Depot – US Communities 16154 - Maintenance & Hardware Supplies; additional \$75,000.00 for year.
2. Office Depot – OMNIA Partners - Office Supplies, Products & Related Services; additional \$75,000.00 for year.
3. Cintas – OMNIA Partners R-BB-19002 - Facilities Management Products & Solutions; additional \$100,000.00 for year.
4. USA Services of Florida, Inc. – City of Daytona Beach 13-159 - Mechanical Sweeping Services; additional \$210k for year.
5. Public Consulting Group, Inc.- Palm Beach County Contract No. 19-020/SS - Florida Certified Public Expenditure Program for Emergency Medical Transportation (PEMT); \$5,000 per year. Contract term through August 19, 2022.
6. Grainger - NASPO ValuePoint Master Agreement #8496 – Facilities Maintenance and Repair & Operations (MRO) and Industrial Supplies; \$75,000 per year. Contract term through June 30, 2023.

motion / recommendation

Commission to approve items as presented and authorize Mayor to execute.

background

A formal solicitation process was conducted by the originating agency to award these contracts.

alternatives / other considerations

N/A

fiscal impact

Total expenditures included in approved budgets.



City Commission **agenda item**

item type Consent Agenda	meeting date December 9, 2020
prepared by Amanda LeBlanc	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship.	

subject

Approve the following contracts:

item list

1. A Budget Tree Service, Inc. – ITN23-18A - Vegetation Management Services; \$300,000 has been added to the contract to complete the contract term.
2. The Davey Tree Expert Co. – ITN23-18B - Vegetation Management Services; \$250,000 has been added to the contract to complete the contract term, an additional \$1,500,000 is requested for the renewal term.
3. Jacobs Engineering Group, Inc. - RFQ17-10 - Continuing Engineering Services for W-WW Systems; Renew at \$300,000 for year.
4. Audio Visual Innovations, Inc. - RFP18-19A - Design, Install, Configure & Maintain A/V System; Renew at \$200,000 for year.
5. Matheson Tri-Gas, Inc. - IFB16-21 – Purchase & Delivery of Liquid Oxygen; \$150,000 per year.

motion / recommendation

Commission approve items as presented and authorize Mayor to execute.

background

Formal solicitations were issued to award these contracts.

alternatives / other considerations

N/A

fiscal impact

Total expenditures included in approved budgets.



City Commission **agenda item**

item type Action Items Requiring Discussion	meeting date December 9, 2020
prepared by Michelle Neuner	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Civil Service Board Appointments

motion / recommendation

Acknowledge Commission appointments to the Civil Service Board

background

At the City Commission Meeting on October 14, the City Commission agreed that the three senior members of the Commission would make appointments to the open seats for the term of January 2021 - December 2023. The following applicants have been selected:

- Mayor Leary selected Steve Stutzer (a reappointment)
- Commissioner Cooper selected Mary Daniels
- Commissioner Weaver selected Teresa Pace

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Stephen Stutzer.pdf](#)

ATTACHMENTS:

[Mary Daniels.pdf](#)

ATTACHMENTS:

[Teresa Pace.pdf](#)

City Clerk: Citizen Board Application : Entry # 14759**Contact Information****Name**

Stephen Charles Stutzer

Phone

(407) 719-6653

Email

S2WPFL@gmail.com

Home address

1640 Elizabeths Walk
Winter Park, Florida 32789
United States
[Map It](#)

Business address

Winter Park, Florida
United States
[Map It](#)

Your Requested Board(s)**Board (First)**

Civil Service Board

Skills 1

Please see my work/career experience as a Financial'Examiner Analyst Supervisor below.

Your Requested Commission Member**Option**

I would like my application to be considered by the entire City Commission. I do not have a preference for a specific commission member.

Your Details**Are you a registered voter?**

Yes

Are you a resident of the city?

Yes

Do you own property in the city?

City Clerk: Citizen Board Application : Entry # 14759

Yes

Are you employed by the City?

No

May we automatically submit your application when vacancies occur?

Yes

Do you have any potential conflicts of interest that may arise from time to time if you serve on one of these boards?

No

Are you currently serving on a City board(s)?

Yes

Please specify which board(s)

- Civil Service Board

Have you previously served on a City board(s)?

No

List any work/career experience

As indicated below, my professional experience in my previous career as a Financial Examiner/Analyst, together with my knowledge of the policies, protocols and operation of WPPD and WPFR would provide an invaluable asset and service to the citizens of Winter Park as well as to those Agencies.

I started my second term on the Civil Service Board (CSB) in January, 2020, and was elected the Board's Chief Examiner in February. I brought my expertise, training and experience of my 30+ year career with the Florida Office of Financial Regulation (OFR) to the CSB "table."

As an OFR Supervisor, I had the opportunity to manage as many as 15 financial examiners in ensuring the safety and soundness of our State-chartered financial institutions, enforcing their compliance with laws and regulations, analyzing and rating their overall operation, assessing and minimizing their risks, and protecting the rights and safety of banks' customers. As a manager, I was required to have knowledge of Government operation and Civil Service protocols. I was also the "last pair of eyes," critically reading all documents forwarded to Tallahassee and our legal team for accurate content. I had expertise and experience in overseeing the rights of Civil Service employees, termination procedures and discipline appeals of personnel covered by the Civil Service Code, as well as Florida Retirement System protocols.

As a certified instructor, I spent many years supplementing my regular duties teaching financial examiners nationally. My expertise was recognized by the FDIC, as they made me an unprecedented offer as an administrator and instructor at their National Training Center in Arlington, Va., even though I was not employed as an FDIC Examiner. During my career, I was qualified to train personnel in assessing the soundness, reasonableness, and inherent risk of financial institution operating policies, procedures, and security measures. I was also tasked with reviewing the qualifications and approving persons to be elected to the Boards of Directors, before allowing the organization to be granted a bank charter. Based on my knowledge and expertise, the FDIC deferred to my judgement in insuring the bank's deposits in permitting the bank to open. Finally, I also had training in testifying, having been qualified as an "expert witness" in bank closing Courtroom actions.

City Clerk: Citizen Board Application : Entry # 14759

List your educational experience

Bachelor of Science Degree in Business Administration with a Specialty in Advertising and Public Relations, Florida State University.

Associate in Arts Degree, Okaloosa-Walton Community College.

City Clerk: Citizen Board Application : Entry # 2057**Contact Information****Name**

Mary R Daniels

Phone

(407) 638-1796

Email

ellragmrd@gmail.com

Home address

650 W Canton Ave
Winter Park, Florida 32789
United States
[Map It](#)

Business address

Winter Park, Florida 32789
United States
[Map It](#)

Your Requested Board(s)**Board (First)**

Civil Service Board

Skills 1

Great organization skills, management of personnel, word/excel/QuickBooks skills, personnel evaluation and oversight, managed company backlog, shipping, invoicing and reconciliation /accounting, accurate reporting and presentation to management and employees. A member of WP Police Citizen committee

Your Requested Commission Member**Option**

I would like my application to be considered by a specific member of the Commission.

City Commission Member

Commissioner Carolyn Cooper

Your Details**Are you a registered voter?**

Yes

Are you a resident of the city?

City Clerk: Citizen Board Application : Entry # 2057

Yes

Do you own property in the city?

Yes

Are you employed by the City?

No

May we automatically submit your application when vacancies occur?

Yes

Do you have any potential conflicts of interest that may arise from time to time if you serve on one of these boards?

No

Are you currently serving on a City board(s)?

No

Have you previously served on a City board(s)?

Yes

Please specify which board(s)

- Planning & Zoning Board

List any other community involvement

City Clerk: Citizen Board Application : Entry # 2057

Mary is a long time Winter Park, Florida resident. She lives in the historic black community of Hannibal Square that was platted in 1881. Mary is the past Board Chair of historic Welbourne Avenue Nursery & Kindergarten, Inc. established in 1927, effective 5/31/15(termed out); past chair of Canton Park Redevelopment Committee; past Planning & Zoning Board member 1996 - 1999, past Chair of Rezoning Taskforce for the Hannibal Square Community; past Advisory Committee member for Central Florida Foundation and currently serves on the Hannibal Square Heritage Center Advisory Committee and is an active part-time Docent/Historian at the Heritage Center. Past President of the Hannibal Square Community Land Trust, Inc. incorporated 2004 to provide affordable housing in our community and past Advisory Council member of Rollins Center for Life Long Learning– Hamilton Holt School.

.Member of Bridging The Color Divide.

. Friends of Welbourne Committee (FOWC)

. Member of Valencia Gus Henderson Scholarship Committee.

- Most Valued Employee of the Month Award presented by Restor Industries, Inc. 12/1993
- Appreciation Award presented by Art in Architecture & the Hannibal Square Community Land Trust 2005
- The Unity Heritage Award – Unity Heritage Festival 1/15/07;
- Certificate of Special Congressional Recognition presented to Mary Daniels “Keeping-Hope-Alive-Through-Art” presented by Congressman, Alan Grayson 10/8/10
- Community Service Award “I know Something Good About You” The Ideal Woman’s Club 2011 Award Luncheon;
- Service Appreciation Award presented by HHS Class of 1962 -7/21/12;
- Appreciation Award “Years of Service 2004 - 2012” presented by Hannibal Square Community Land Trust, Inc.
- Community Service Award presented by Winter Park Alumni Chapter of KAPPA ALPHA PSI Fraternity, Inc. – 3/26/15
- Winter Park Magazine’s 2015 Most Influentials People awards presented by Winter Park Magazine 7/15/15

List any work/career experience

.Welbourne N&K Inc. - Teacher 4 & 5 year old's

.Restor Industries - (Retired) Product Administrator - managing multiple personnel, great communication & people skills, word/excel & QuickBooks computer skills;
Jr Accountant;

.Westinghouse Electric - Customer Service of Sales & Marketing; Maintain company backlog reporting, shipments, invoicing and reconciliation/accounting;

.General Dynamics - Lead/Acting Supervisor 28 employees .

.Board President of Hannibal Square Community Land Trust, Inc. - 18 affordable homes, 1 rehab, 1 market rate for sustainability and 1 partnered with Habitat during my tenure.

.Board President of Welbourne Nursery & Kindergarten, Inc. - affordable childcare educational center.

.

List your educational experience

Hungerford High graduate - 1962

FLA State Extension - Early Childhood Education certificate/college credit hours

Florida Housing Coalition Conference - 2005

Rollins College Continuing Education - Business Management - Credit Hours

2006-2007 - Advocacy Jump Start

March 30, 2010 - Ground Rule for Board Governance

March 27 & 28, 2012 - QuickBooks for Nonprofits

May 15, 2012 - A Strategic Plan to Build On

October 18, 2012 - Creating a Diversified Fundraising Plan

March 24, 2012 - Board Governance As Effective Leadership

City Clerk: Citizen Board Application : Entry # 11714**Contact Information****Name**

Teresa Pace

Phone

(407) 399-8108

Emailteresapace@earthlink.net**Home address**

1741 Golfside Dr
Winter Park, Florida 32792
United States
[Map It](#)

Business address

1741 Golfside Dr
Winter Park, Florida 32792
United States
[Map It](#)

Your Requested Board(s)**Board (First)**

Planning & Zoning Board

Skills 1

PhD engineering, Director, Past president of International Board of Directors,

Board (Second)

Civil Service Board

Skills 2

PhD Engineering, Director, Past President of Non Profit International Board of Directors

Board (Third)

Economic Development Advisory Board

Skills 3

PhD Engineering, Director, Past President of International Board of Directors

Your Details

City Clerk: Citizen Board Application : Entry # 11714**Are you a registered voter?**

Yes

Are you a resident of the city?

Yes

Do you own property in the city?

Yes

Are you employed by the City?

No

May we automatically submit your application when vacancies occur?

Yes

Do you have any potential conflicts of interest that may arise from time to time if you serve on one of these boards?

No

Are you currently serving on a City board(s)?

No

Have you previously served on a City board(s)?

No

List any work/career experience

STEM Education Supporter

Served in many volunteer capacities

Director for a major Defense Firm

BD and planned Exec Dir for Kissimmee new Mfg Initiative to stimulate economy and high paying technical local jobs

Strong leader, speaker, publisher

Local Artist with paintings displayed at Orlando City Arts and OrINdo Museum of Art

List your educational experience

PhD Electrical Engineering, Penn State Univ

BS Electrical Engineering, Wright State Univ



City Commission agenda item

item type Action Items Requiring Discussion	meeting date December 9, 2020
prepared by Michelle Neuner	approved by Wes Hamil, Randy Knight
board approval Completed	
strategic objective	

subject

Administrative Policies

motion / recommendation

Approve Administrative Policies as presented.

background

At the November 11, 2020 Commission Meeting, the City Commission discussed updating the Administrative Policies to require annual strategic planning. The Administrative Policies have been updated to include this change as well as a few other minor changes recommended by staff. Below is a summary of the changes.

- **Section IX, Financial Stability Policies (3) - modified to, "The City will hold a strategic planning session at least annually to review long range goals of the City."**

Additional staff recommended changes:

- Section I, Operating Budget Policies (3) - include "technology" in the items supported for regular maintenance and replacement
- Section II, Revenue Policies (4) - require review of fees/ charges at least annually
- Section IV, Debt Policy (9) - correct a scrivener's error
- Section V, Reserves Policy (5) - eliminate outdated note regarding Electric Utility working capital.
- Section X, Scheduling of Meetings - eliminate entire section which was superseded by Resolution 22-33-20

alternatives / other considerations

fiscal impact

ATTACHMENTS:

City of Winter Park Administrative Policies

The City of Winter Park Administrative Policies provide the basic framework for the overall fiscal management and efficient operations of the City. The policies consist of: operating budget, revenue, cash management and investments, debt, reserves, capital improvement program, accounting and fiscal reporting, organizational, financial stability and scheduling of meetings. These policies are used in the development of current activities and planning for future programs and projects.

I. Operating Budget Policies

1. The City Manager will submit a proposed balanced budget to the City Commission before the first regular Commission Meeting in July. Each fund's revenues plus other sources must equal expenditures/expenses plus other uses.
2. The budget will support City Commission goals, objectives and policies in meeting the needs of the community.
3. The budget will support a scheduled level of maintenance and replacement of its [technology](#), infrastructure and fleet.
4. The City will comply with mandatory Federal, State and local laws and when appropriate will comply with industry and professional requirements or standards.
5. The operating impacts of the Capital Improvements Program (CIP) projects will be reviewed prior to any project being included in the annual budget.
6. The City will avoid budgetary procedures that balance the current budget at the expense of future years, such as postponing expenditures, underestimating expenditures, overestimating revenues, or utilizing short-term borrowing to balance the budget.
7. Utility enterprise funds will be self-supporting for operating and capital expenses and receive no General Fund tax support unless a specific exception is approved by the City Commission.
8. The budget will provide the full required funding for the Police and Fire defined benefit retirement plans as determined by the actuary. In any year in which the minimum required contribution is less than the annual pension costs of the plan, the budget will fund the higher amount and the differential will be set aside and designated for future unfunded liabilities or to smooth future increases in required contributions.
9. Budget an annual general contingency amount for unanticipated expenses or revenue shortfalls equal to no less than ½ of 1% of budgeted expenditures.

Any unspent contingency at the end of the year would be closed into reserves.

10. The City will maintain accounting and budgetary control systems to adequately safeguard the assets held in public trust and ensure compliance with the adopted budget.
11. Budget adjustments: The City Manager's level of budgetary control will be at the fund expenditure level. This means the City Manager can authorize budget adjustments between expenditure line items within an individual fund. Any budget adjustment crossing funds, increasing the total budget at the fund level or affecting a capital project requires City Commission approval.

II. Revenue Policies

1. The City will attempt to maintain a diversified and stable revenue system to avoid reliance on any one revenue source and will attempt to minimize the dependence on property taxes.
2. The City will pursue alternative revenue sources, such as grants and other state and federal funds, as an additional source of funds.
3. The City will establish user fees where appropriate to recover partial or full cost of providing a service.
4. The City will review fees/charges ~~semi-~~[at least](#) annually to ensure they are fair and equitable to all users.
5. The City will consider market rates and charges levied by other public and private organizations for similar services in establishing fees.
6. The percentage of operating transfers to the General Fund from the utility funds will be established by ordinance.
7. Maintain aggressive policies on revenue collections.
8. One-time revenue sources such as proceeds from the sale of an asset or insurance settlements will not be used to fund on-going operating costs.
9. When more than one funding source is available for a project, the most restrictive source (e.g., impact fees and grants) will be applied first to the extent possible.

III. Cash Management and Investment Policies

1. The City will follow its adopted investment policy when handling public funds. The investment policy is contained in a separate document.
2. In general, the investment philosophy is safety, liquidity and return in that order of priority.

3. The City will consolidate cash balances from all funds for investment purposes and allocate investment earnings according to generally accepted accounting principles.
4. The City will collect revenues aggressively, including past due bills of any type and may utilize an outside collection agency when deemed appropriate.
5. The City will deposit all funds within twenty-four hours of receipt.
6. The City will pay all bills within thirty days of verifying obligation.

IV. Debt Policies

1. The City will follow its adopted debt policy when managing or issuing debt. The debt policy is contained in a separate document.
2. Obtain voter approval for the issuance of General Obligation Bonds, Revenue Bonds to finance enterprises or projects which involve the purchase, lease and or acquisition of real property (excluding park land), and revenue bonds which pledge specific non-ad valorem taxes and which have a principal value in excess of the amount specified in the Charter.
3. The City will seek to maintain or improve its current bond ratings to minimize borrowing costs.
4. The City will review and evaluate its existing debt obligations at least annually to ascertain potential savings opportunities.
5. The City will not issue long-term debt to finance current operations.
6. The City will adhere to the bond covenant requirements of each debt issuance.
7. Capital projects financed by the issuance of bonded debt will be financed for a period not to exceed the expected useful life of the project.
8. The City will strive to maintain a high reliance on pay-as-you-go financing for its capital projects.
9. The City will maintain its net general obligation bonded debt at a level not to exceed two percent of the assessed valuation of taxable property with [in](#) the City.

V. Reserves Policies

1. The City will work towards an undesignated reserve balance in the General Fund equaling thirty percent of the annual General Fund expenditures and transfers out for recurring operating costs reported in other funds.

2. The portion of the thirty percent undesignated reserve balance described in (1) above may be used at the discretion of the City Commission for emergency and non-emergency uses:
 - a. Emergency uses would include but not be limited to hurricanes, tornadoes, and other natural disasters, train wrecks, plane crashes, epidemics, etc. An emergency appropriation shall require a simple majority vote of the Commission. If an emergency prevents the Commission from convening, the City Manager and the Mayor can authorize the emergency use. In the Mayor's absence, the Vice-Mayor can stand in and if the Vice-Mayor is also unavailable, any Commissioner can stand in.
 - b. Non-emergency uses would include but not be limited to capital projects, purchase of capital items, contracted services, etc. A non-emergency appropriation shall require a simple majority of the Commission provided the amount does not exceed ten percent of the current undesignated reserve. If the appropriation exceeds ten percent of the current undesignated reserve it shall require approval of four of the five Commissioners.
3. Once the undesignated reserve balance in the General Fund exceeds thirty percent of the annual General Fund expenditures and transfers out for recurring operating costs reported in other funds, the amount in excess of thirty percent may be used at the discretion of the Commission to fund any nonrecurring costs such as a capital project contained in the five-year CIP or to pay down a debt balance.
4. Ten percent of any annual increase in General Fund balance as reported in the audited Comprehensive Annual Financial Report will be designated for the acquisition of land for parks.
5. For the utility enterprise funds, the City will maintain working capital (current assets less current liabilities) equal to a minimum of 45 days operating expenses excluding amortization.
6. The City will maintain all debt service reserve amounts as required by bond covenants.

VI. Capital Improvements Program (CIP) Policies

1. The City will develop and update a five-year CIP on an annual basis.
2. The five-year CIP will include identified funding sources for each item.
3. All projects in the Comprehensive Improvement Element (CIE) of the City's Comprehensive Plan will be included in the CIP.

4. In development of the CIP, the City will review the operational impact of each project.

VII. Accounting and Fiscal Reporting Policies

1. An independent audit will be performed annually.
2. The City will produce a comprehensive annual financial report in accordance with Generally Accepted Accounting Principles (GAAP) as promulgated by the Governmental Accounting Standards Board within 180 days of year end.
3. The City will maintain an accounting and financial reporting system that conforms to GAAP and State laws.
4. The City will have a purchasing policy adopted by the City Commission to govern all purchases by City employees.

VIII. Organizational Policies

1. The City Manager will review the organizational structure regularly to assure that residents receive the highest level of service in the most efficient manner.
2. The City will be committed to maintaining and improving the productivity of staff through a productive working environment, appropriate equipment, necessary training and adequate supplies and materials.
3. Employee compensation will be reviewed regularly to ensure the City is competitive with benchmark entities.
4. The City Manager shall maintain appropriate performance measurements to evaluate departmental effectiveness. Such data should be available to the City Commission and the public upon request.
5. Department heads take their direction from the City Manager or the City Commission as a whole. If a department head believes that he/she is being directed to perform a task by an individual elected official or a citizen board member, then he/she should either request that that individual make the request through the City Manager or he/she should contact the City Manager for direction on the issue. If the City Manager has a question as to whether the Commission as a whole would want the task performed he/she should bring the matter to the Commission at the next available Commission meeting for direction.

IX. Financial Stability Policies

1. The City will maintain a report of the prior 10 years of revenues and expenses for the purpose of analyzing trends and for projecting future results.
2. The City will update its 10-year pro forma of projected future revenues and expenses on an annual basis as part of the budget process in order to assess the long-term financial implications of current and proposed operating and capital budgets, budget policies, cash management and investment policies, programs and assumptions.
3. The City will hold a strategic planning session at least bi-annually to review long-range goals of the City.
4. The City will prepare and update its five-year CIP annually.
5. The City will continuously monitor revenues and expenditure to ensure responsible fiscal management of the City.
6. At least quarterly, staff will report on the City's financial condition to the City Commission.

X. Scheduling of Meetings Policies Note: This section was superseded by Resolution 2233-20.

- ~~1. Any member of the City Commission may request a Commission work session or special meeting. If possible, in order to provide for the most open public notice as possible and to provide all members of the Commission an equal opportunity to participate and to increase efficiency of scheduling, all such work sessions or special meetings should be requested and scheduled in a regularly scheduled public City Commission meeting.~~
- ~~2. The exception to the above is if an unforeseen, time-sensitive matter arises in which waiting for the next regularly scheduled Commission meeting could result in an adverse impact of some kind then the meeting can be called outside of a regularly scheduled Commission meeting.~~
- ~~3. See Section 2.08 of the City Charter for the notice provisions of special called meetings.~~



City Commission **agenda item**

item type Action Items Requiring Discussion	meeting date December 9, 2020
prepared by Bronze Stephenson	approved by Bronze Stephenson, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Discussion of Pennsylvania Hotel at 655 W. Morse Blvd (Previously Tabled)

motion / recommendation

Inform applicant how the Commission would like to proceed with the application.

background

On March 3, 2020, the Hotel at Penn project (which was properly noticed per the Zoning Code Requirements) was heard by Winter Park City Commission. The item had previously been heard by the Winter Park Planning & Zoning Board, who voted to recommend approval of the project. At the City Commission meeting on March 3, former Commissioner Seidel made a motion to table the item which was unanimously approved. The applicant agreed to table the item to allow time to update the applications materials based on the feedback from the community and from the Commission. The item was not tabled to a certain date, and it was around this time that the Covid-19 Epidemic caused the cancellation of meetings and brought most development applications to a halt. The applicant is now requesting input from the City Commission on their preferred course of action, because the area of the subject property that was proposed to be a park and regional stormwater facility was not met with much enthusiasm. An updated site plan now shows that this area will be dedicated to a non-profit who will build five (5) workforce housing units. The applicant would like to be placed on an upcoming agenda to present the updated site plan and renderings of the workforce housing units proposed. The members of the non-profit who would receive the land to build the units would also be introduced to the Commission. The local non-profit, the Hannibal Square Housing Initiative, Inc, with Directors Donahue Johnson, Frank Baker, and Reginald Jones. These gentlemen are long time residents, business and property owners in the Hannibal Square neighborhood.

Because of the extensive time that the item was tabled, the applicant simply wants to request that their tabled item be able to be brought back to the Commission for consideration.

alternatives / other considerations

fiscal impact



City Commission agenda item

item type Action Items Requiring Discussion	meeting date December 9, 2020
prepared by Jason Seeley	approved by Randy Knight
board approval Completed	
strategic objective Excellent quality of life, Public health and safety, Investment in public assets and infrastructure	

subject

Discussion of financing of Ward Park and Mead Garden capital improvements

motion / recommendation

background

The City Commission requested staff provide a list of critical infrastructure projects that could potentially be funded through bond referendum in November 2020. A work session was held on Thursday, December 3rd where projects at Ward Park and Mead Botanical Gardens were identified for further considerations and potential funding. Details related to such projects have been provided in attachment, but in short include parking and accessibility improvements at Mead Botanical Gardens, along with upgrades to fields, accessibility, and infrastructure at Ward Park.

alternatives / other considerations

Do not fund projects through bond or other alternative method and allow for projects to be accomplished over time through long term capital improvement plan.

fiscal impact

As detailed in attachment, proposed projects identified would have a projected cost of 2.8 million dollars. No major additional operational costs are expected with the proposed projects.

ATTACHMENTS:

[Parks_and_Recreation_Bond_Project_Items.pdf](#)

ATTACHMENTS:

[Project Loan Financing Amortization Table Scenarios.pdf](#)

Parks and Recreation Department – Proposed Bond Infrastructure Projects

Mead Botanical Gardens Improvements

Outdoor Lighting - \$40,000

Projected Start: February 2021 – Projected Completion: June 2021

Mead Botanical Garden has traditionally been a predominantly day time use venue. Over the last few years this had changed as MBG Inc increases events, programming, and rentals at the various park/garden venues. Lighting improvements would include parking area lighting upgrades, pathway lighting along core of park, and additional lighting additions for Grove and amphitheater areas.

- Hardware – Additional Pole Lights, Bollard Lighting - \$30,000
- Installation - \$10,000 labor cost



Amphitheater



Grove Stage Area

Parking Lot Improvements - \$250,000

Projected Start: July 2021 – Projected Completion: October 2021

Current driveway and parking lot is in need of resurfacing, drainage improvements, and accessibility improvements. MBG Inc would also like to relocate the 'natural' parking area adjacent to the Legacy garden to the south side of the access road adjacent to picnic pavilion.

- Resurfacing- \$145,000
- Curb Corrections and Additions - \$25,000
- Drainage Corrections - \$75,000
- Rehabilitation of abandoned natural parking area - \$5,000



Relocation of 'natural' lot



Current 'natural' lot



Parking Lot Current Conditions

Pathway Improvements - \$95,000

Projected Start: July 2021 – Projected Completion: October 2021 (this could also be done in phases)

Mead Gardens currently lacks a formal walking trail through the core of the grounds. This request would allow for an ADA friendly pathway that would provide guests to easily move through the core of the park connecting all main areas (major gardens, Grove, Amphitheater, Azalea Lodge, and Public Restrooms).

- ADA “main loop” Decomposed Granite (2500 LF @ \$38/lf)



Walking Paths Current Conditions (not a complete loop or ADA friendly)

Azalea Lodge Addition – \$100,000

Projected Start: July 2021 – Projected Completion: October 2021

MBG Inc has made significant improvements to the structure formerly referred to as the Winter Park Garden Club now known as the Azalea Lodge. The facility lacks ADA restrooms and the current Bride and Groom area located adjacent to the stage and lodge is no longer functional due to moisture damage related to age and location of the structure.

This addition to the Azalea Lodge would solve both issues by providing ADA restrooms for event use as well as reestablishing a dressing space for Bride and Groom.

- Changing Rooms/ADA Restrooms



Exterior Current Changing Rooms



Interior Changing Rooms Current Conditions



Azalea Lodge Exterior

Caretaker House Conversion - \$15,000

Project Start: March 2021 – Project Completion: June 2021

The Parks and Recreation Department and City have gone away from having City staff live on site at our Parks. The caretaker home at the front of the park has been vacant for a number of years. MBG Inc would like to repurpose the small structure at the entry of the park to function as a Welcome Center/Information Booth for guests to the park/gardens.

While minor aesthetic improvements have been made since being vacated by the City staff person residing at the location, additional improvements would need to be made in order for the structure to serve as a public space from both an ADA and Building Code perspective.

- Additional Door - \$5,000
- ADA/accessibility improvements - \$6,000
- General Improvements - \$4,000



Exterior Caretakers House



Interior Caretakers House

Total Projected Cost for All Projects: \$500,000

Winter Park Sports Complex (Ward, Showalter, Cady way)

Concession Space Renovation – \$300,000

Project Start: June 2021 – Project Completion October 2021

Complete renovation of concession space/kitchen. Major exterior ‘face lift’ and interior renovation to include flooring, HVAC, paint, restrooms. Exterior renovations to 2 other structures on site



Current exterior and interior conditions

Replace sidewalks and improve ADA/accessibility issues - \$125,000

Project Start: June 2021 – Project Completion October 2021

2,000 linear feet of sidewalk replacement throughout Ward baseball fields. Current sidewalks are in major disrepair with accessibility challenges.



Current Conditions



Example of new sidewalks in Ward Multi-Purpose area

Renovation of Fields A1 and A2 - \$275,000

Project Start: May 2021 – Project Completion: September 2021

Playing fields lack proper crown and drainage which leads to standing water and unplayable conditions during months where we experience moderate to heavy rainfall. The \$490,000 would be utilized to laser level and reshape fields, improve drainage, and reestablish Bermuda sod on field A1, A2, B, and C.



Field C – Ward



Field C - Ward



Field B – Ward



Field A - Ward

Upgrade Field B and C to Sports Turf – \$1.6 million

Option A (preferred): Projected Start: December 2021 – Projected Completion: June 2022

Option B: Projected Start: June 2021 – Projected Completion: January 2022 (rain/storm season could impact this completion date)

The Parks and Recreation Department has a high demand for athletic fields year round with the heaviest demand falling in months where conditions do not favor vigorous regrowth of Bermuda grass used for athletic fields (October thru April). The heavy use and slow growth of turf leads to unfavorable field conditions and destruction of sod with root zone completely compromised at end of each spring season which then requires complete replacement of sod each summer.

Adding artificial turf fields would provide a consistent and wear resistant playing surface that would hold up to high demand and high impact use which would also help in preserving the remaining natural turf fields.

Staff recommendation would be that any artificial turf field added to the City's parks system would be located at the Winter Park Sports Complex. While there has been mention of locating such fields at MLK Park staff feels this would lead to parking challenges for field users as well as event center and library patrons due to the similarities in peak use times (nights and weekends). The Winter Park Sports Complex has parking and infrastructure to better support traffic flow, parking, restrooms, etc.

One consideration is that while turf fields will result in a reduction in annual expenditures for maintenance and sod replacement, City would need to be prepared to make a major financial commitment approximately every 10 years for replacement of surface. Approximate cost for disposal and replacement would be \$300,000 per field. Longevity of surface material will be relative to hours of use and type of use allowed on fields.

Summary Timeline of Projects:

Mead Outdoor Lighting - \$40,000

Projected Start: February 2021 – Projected Completion: June 2021

Mead Caretaker House Conversion - \$15,000

Project Start: March 2021 – Project Completion: June 2021

Renovation of Ward Fields A1 and A2 - \$275,000

Project Start: May 2021 – Project Completion: September 2021

Replace Ward sidewalks and improve ADA/accessibility issues - \$125,000

Project Start: June 2021 – Project Completion December 2021

Concession Space Renovation – \$300,000

Project Start: June 2021 – Project Completion December 2021

Mead Parking Lot Improvements - \$250,000

Projected Start: July 2021 – Projected Completion: October 2021

Mead Pathway Improvements - \$95,000

Projected Start: October 2021 – Projected Completion: March 2021 (this could also be done in phases in effort to work around Mead event schedule)

Azalea Lodge Addition – \$100,000

Projected Start: July 2021 – Projected Completion: October 2021 (dependent on if work can be done without major impact to already scheduled rentals)

Upgrade Ward Field B and C to Sports Turf – \$1.6 million

Projected Start: December 2021 – Projected Completion: March 2022

Financing Scenario Amortization Tables

Annual Interest and Principle Payments

Borrow \$3 million as a bank loan over ten years and roll issuance costs into the loan

Rate	2%	Summary	
Term	10	Project Total	3,000,000
Project Funding	3,000,000	Borrowed Amt	3,060,000
Issuance Cost	60,000	\$ Paid over Term	3,406,592
Borrowed Total	3,060,000	Net \$ Paid over Term	406,592
Annual Pmts	340,659		

Year	1	2	3	4	5	6	7	8	9	10	Total
Loan Outstanding	3,060,000	2,780,541	2,495,492	2,204,743	1,908,179	1,605,683	1,297,138	982,421	661,411	333,980	
Interest Pmt	61,200	55,611	49,910	44,095	38,164	32,114	25,943	19,648	13,228	6,680	346,592
Principle Pmt	279,459	285,048	290,749	296,564	302,496	308,546	314,716	321,011	327,431	333,980	3,060,000
Total Payment	340,659	340,659	340,659	340,659	340,659	340,659	340,659	340,659	340,659	340,659	3,406,592
Loan Balance	2,780,541	2,495,492	2,204,743	1,908,179	1,605,683	1,297,138	982,421	661,411	333,980	0	

Borrow \$2.5 million as a bank loan over ten years and roll issuance costs into the loan

Rate	2%	Summary	
Term	10	Project Total	2,500,000
Project Funding	2,500,000	Borrowed Amt	2,560,000
Issuance Cost	60,000	\$ Paid over Term	2,849,959
Borrowed Total	2,560,000	Net \$ Paid over Term	349,959
Annual Pmts	284,996		

Year	1	2	3	4	5	6	7	8	9	10	Total
Loan Outstanding	2,560,000	2,326,204	2,087,732	1,844,491	1,596,385	1,343,317	1,085,187	821,895	553,337	279,408	
Interest Pmt	51,200	46,524	41,755	36,890	31,928	26,866	21,704	16,438	11,067	5,588	289,959
Principle Pmt	233,796	238,472	243,241	248,106	253,068	258,130	263,292	268,558	273,929	279,408	2,560,000
Total Payment	284,996	284,996	284,996	284,996	284,996	284,996	284,996	284,996	284,996	284,996	2,849,959
Loan Balance	2,326,204	2,087,732	1,844,491	1,596,385	1,343,317	1,085,187	821,895	553,337	279,408	(0)	

Financing Scenario Amortization Tables

Annual Interest and Principle Payments

Borrow \$3 million from an internal fund, no interest or issuance costs

Rate	0%	Summary	
Term	10	Project Total	3,000,000
Project Funding	3,000,000	Borrowed Amt	3,000,000
Issuance Cost	-	\$ Paid over Term	3,000,000
Borrowed Total	3,000,000	Net \$ Paid over Term	-
Annual Pmts	300,000		

Year	1	2	3	4	5	6	7	8	9	10	Total
Loan Outstanding	3,000,000	2,700,000	2,400,000	2,100,000	1,800,000	1,500,000	1,200,000	900,000	600,000	300,000	
Interest Pmt	-	-	-	-	-	-	-	-	-	-	-
Principle Pmt	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000	3,000,000
Total Payment	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000	3,000,000
Loan Balance	2,700,000	2,400,000	2,100,000	1,800,000	1,500,000	1,200,000	900,000	600,000	300,000	-	

Borrow \$2.5 million from an internal fund, no interest or issuance costs

Rate	0%	Summary	
Term	10	Project Total	2,500,000
Project Funding	2,500,000	Borrowed Amt	2,500,000
Issuance Cost	-	\$ Paid over Term	2,500,000
Borrowed Total	2,500,000	Net \$ Paid over Term	-
Annual Pmts	250,000		

Year	1	2	3	4	5	6	7	8	9	10	Total
Loan Outstanding	2,500,000	2,250,000	2,000,000	1,750,000	1,500,000	1,250,000	1,000,000	750,000	500,000	250,000	
Interest Pmt	-	-	-	-	-	-	-	-	-	-	-
Principle Pmt	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	2,500,000
Total Payment	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	2,500,000
Loan Balance	2,250,000	2,000,000	1,750,000	1,500,000	1,250,000	1,000,000	750,000	500,000	250,000	-	



City Commission **agenda item**

item type Public Hearings	meeting date December 9, 2020
prepared by Rene Cranis	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship	

subject

Ordinance - Amending adopted FY20 Budget (Second Reading)

motion / recommendation

Approve the ordinance adopting amendments made to the FY20 budget over the course of the last fiscal year (2019 - 2020).

background

The City Commission is required by Statute to approve any budget adjustments that alter the total amount budgeted in any fund or when funds are transferred between different fund types. The City has adopted the practice of bringing budget amendments to the City Commission as they arise and then bringing a year-end ordinance adopting all the amendments formally to comply with Statute.

Through the receipt of grants or due to a need to revise original revenue estimates the city periodically needs to make changes to stated account revenues and expenditures. This is primarily a housekeeping process and it properly provides departments and divisions with an accurate picture of the funds available to undertake programs and projects. The following attachment highlights the budget amendments (Exhibit A of the Ordinance) that have already been approved by the Commission at prior meetings and now need to be formally adopted through public hearing.

In addition to those previously adopted, two additional amendments have been brought for approval:

- 1) Building & Permitting restricted reserves were utilized to make the improvements to the offices and lobby in the 2nd floor of city hall. This amendment will appropriately account for the use of those funds in the budget.
- 2) The CARES Act, managed by the county, has allowed the city to apply for grant reimbursement of eligible COVID expenses. All materials and supplies costs have been

moved to a special fund for tracking, however labor related charges are still reflected in the General Fund. This amendment will adjust revenues to account for the reimbursement. The city expects to receive a total of \$227,044 in reimbursement for Fire Department related labor costs, and \$39,128 in attorneys fees paid.

Both of these additional amendments will properly reflect the use of revenues to offset costs that are already incurred on the books.

alternatives / other considerations

Not approving this would require staff to remove the amendments in the accounting system.

fiscal impact

None. All the amendments have been previously approved by the Commission or are revenue neutral.

ATTACHMENTS:

[Budget Amendment Ord FY20 year end.docx](#)

ATTACHMENTS:

[Budget Amendments Sheet - FY20 YrEnd Closeout Ordinance Exhibit A.pdf](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE ADOPTED BUDGET AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2019 – 2020 BY PROVIDING FOR CHANGES IDENTIFIED IN EXHIBIT A; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 3184-20, the City of Winter Park, Florida has adopted the Budget and Capital Improvement Program for the fiscal year 2019 – 2020; and

WHEREAS, the City of Winter Park, Florida desires to amend the Budget and Capital Improvement Program for supplemental appropriations in the amounts identified in Exhibit A; and

WHEREAS, Section 166.241(4)(c) Florida Statutes require such a budget amendment be adopted in the same manner as the original budget.

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA THAT:

SECTION 1. The Budget and Capital Improvement Program for fiscal year 2019 – 2020 is hereby amended by providing for changes identified in Exhibit A.

SECTION 2. If any section, subsection, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3. In the event of any conflict between the provisions of this Ordinance and any other ordinance, resolution, or portions thereof, the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 4. The provisions of this Ordinance shall become effective immediately upon passage.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, held in City Hall, Winter Park, Florida this 9th day of December, 2020.

Steve Leary, Mayor

Attest:

Rene S. Cranis, City Clerk

Exhibit A

Budget Amendments Requiring Commission Approval

Fiscal Year 2019 - 2020

Item	Amount	Source Account	Source Acct. Name	Exp. Account	Exp. Acct. Name	Note	Approval Date
HIDTA Building Rent Funding	\$ 65,000	1070331 - 331223	Fed Grant - Public Safety - HIDTA	1074112 - 544020	HIDTA Rental - Buildings	Reflects pass-through costs for increased rental rates at HITDA and is fully reimbursed.	11/11/2019
Winter Park High School Foundation - Showalter Field Concession Stand Upgrades	\$ 10,000	3010369 - 369901	Capital Fund: Other Misc. Revenue	3016101 - 565324	CIP - Showalter Field	Donation from Winter Park High School Foundation for upgrades to the concession stand.	11/11/2019
Winter Park Health Foundation - Phase 2 Ward Park	\$ 50,000	3010369 - 369901	Capital Fund: Other Misc. Revenue	3016101 - 565316	CIP - Parks Major Improvements	Donation from the Winter Park Health Foundation for Phase 2 of the Ward Park improvements which includes, continued upgrades to landscaping, a pocket playground, and fitness labyrinth.	11/11/2019
Electric Vehicle Purchase - Building/Permitting	\$ 157,162	0010383 - 383211	Fund Balance - Restricted Building Reserve Funds	5023210 - 564020	Equipment Fund - Vehicle Purchases	Purchase of five Nissan Leaf fully electric vehicles and charging stations to increase the city's investment in sustainable Fleet.	1/27/2020
				5023210 - 564050	Equipment Fund - Machinery & Equipment		
Library/Events Center - Funding Source Allocation	\$ 750,000	3010381 - 381104	Capital Fund - Transfer from CRA	3013101 - 565313	Library & Events Center Project	Reflection in accounting system of funding sources to support the budget for the Library/Events Center not already reflected in the budget. Includes crediting TDT funds, fundraising, interest earnings, CRA support funding, and additional bond proceeds issued.	1/27/2020
	\$ 2,095,000	3010384 - 384001	Capital Fund - General Obligation Bonds				
	\$ 382,775	3010381 - 381104	Capital Fund - Transfer from CRA				
	\$ 10,057,303	3010383 - 383112	Capital Fund - Fund Balance Carryforward				

Exhibit A

Budget Amendments Requiring Commission Approval

Fiscal Year 2019 - 2020

Item	Amount	Source Account	Source Acct. Name	Exp. Account	Exp. Acct. Name	Note	Approval Date
Covid Budget Adjustment	\$ 2,823,700	Various (See Attached)				Adjustment to revenues and expenditures to reflect an almost \$3 million impact to the General Fund due to anticipated revenue collection declines.	7/20/2020
	\$ 207,800	Various (See Attached)				Reflects the impact of reduced transfers from the General Fund covid amendment that would have gone to support the future replacement of vehicles and heavy equipment in the Equipment Replacement Fund.	
City Attorney	\$ 250,000	0010383 - 383100 1040383 - " 4030383 - " 4600383 - "	Fund Balance Carryforward - General, CRA, Water&Sewer, & Electric Fund.	0011102 - 531010 0011102 - 531011 1042306 - 531010 4032841 - 531010 4602901 - 531010	City Attorney & Litigation	Reflects additional funding from reserves to reflect higher city attorney costs related to general use and to litigation.	8/12/2020
Stormwater Lot Purchase	\$ 134,000	3020383 - 383112	Stormwater Capital Projects - Fund Balance Carryforward	3023406 - 565233	Winter Park Rd. Stormwater Pond	Reflects the portion of the funding needed to support the purchase of the lot on Winter Park Rd to address stormwater concerns, that will come from Stormwater Capital reserves.	8/12/2020
Building & Permitting Office and Lobby Remodel	\$ 103,397	0010383 - 383211	Fund Balance - Restricted Building Reserve Funds	0012401 - 534040	Building Department Contractual Services	Costs associated with the remodel, remediation, and furniture and fixture purchases associated with the improvements made to the Building & Permitting offices and lobby. Restricted permitting fee revenues were used for the expenditures and this adjustment accounts for their use.	Pending
CARES Act Reimbursement - Wages & Attorney Fees	\$ 227,044	0010331 - 331200	Grants - Public Safety	0015103 - 514010	Fire - Rescue Overtime	Just over \$200k is expected to be reimbursed from the county for CARES Act funds designated for covid eligible expenditures related to employee overtime, isolation, and quarantine. Half has been received to-date.	Pending
	\$ 39,128	0010331 - 331100	Fed Grant - General Gov't	0011102 - 531010	City Attorney Services	Reimbursable attorney fees related to covid issues.	

Org	Object	Description	Input for Amendment (Rounded)
0010312	312410	LOCAL OPTION GAS TAX	126,500.00
0010314	314400	UTILITY SERVICE TAX - GAS	12,500.00
0010314	314300	UTILITY SERVICE TAX - WATER	(73,400)
0010314	314100	UTILITY SERVICE TAX - ELCTRCTY	(193,200)
0010315	315000	COMMUNICATION SERVICES TAX	17,300.00
0010322	322001	BLDG PMTS-BLDG CODE	72,800.00
0010322	322002	BLDG PMTS-LAND DEV CODE	72,800.00
0010322	322005	BLDG PMTS-OTHER	56,900.00
0010322	322003	BLDG PMTS-PL REV BDG CODE	41,400.00
0010322	322004	BLDG PMTS-PL REV LAND DEV CODE	41,400.00
0010322	322300	BLDG PMTS-ZONING APPLICATIONS	11,000.00
0010323	323910	FRANCHISE FEES - SCENIC BOAT T	12,600.00
0010329	329300	LIC&PERMIT-VARIANCES	39,000.00
0010329	329001	LIC&PERMIT-CODE TRAINING FEE	17,000.00
0010329	329003	LIC&PERMIT-ENGINEERING FEE	(23,000)
0010335	335180	ST REV SHAR-1/2 CENT SALES TAX	1,063,000.00
0010335	335123	ST REV SHAR-MUNPL REV SHARE-ST	284,200.00
0010335	335122	ST REV SHAR-MUNPL REV SHARE-MF	69,600.00
0010338	338600	COUNTY-911 PUBLIC SAFETY	(24,300)
0010341	341930	OTH GEN GOV-ROW PERMIT FEES	(51,600)
0010342	342601	AMBULANCE TRANSPORT FEES	167,900.00
0010342	342201	FIRE-SPECIAL DETAIL	9,300.00
0010347	347230	PARKS-GOLF GREEN FEES	160,000.00
0010347	347591	REC FAC-RENT COMM CENTER	130,600.00
0010347	347242	PARKS-POOL-COMMUNITY CENTER	65,000.00
0010347	347306	PARK-TENNIS CONTRACTED SVCS	63,200.00
0010347	347421	SP EVNTS-SIDEWALK ART FESTIVAL	49,000.00
0010347	347597	REC FAC-RENT FARMERS MARKET	41,300.00
0010347	347210	PARKS-PROGRAM ACTIVITY FEES	37,100.00
0010347	347237	PARKS-GOLF SPONSORSHIPS	28,200.00
0010347	347235	PARKS-GOLF PRO SHOP FOOD & BEV	24,000.00
0010347	347302	PARK-TENNIS MEMBERSHIPS	20,200.00
0010347	347595	REC FAC-RENT PICNIC PAVILLION	20,000.00
0010347	347511	REC FAC-RENT FIELD SB/SOCCER	18,000.00
0010347	347301	PARK-TENNIS COURT FEES	14,200.00
0010347	347232	PARKS-GOLF CART FEES	13,000.00
0010347	347593	REC FAC-RENT AZALEA LANE	13,000.00
0010347	347292	PARKS-FLAG FOOTBALL LEAGUE	10,000.00
0010347	347303	PARK-TENNIS FOOD & BEVERAGE	7,000.00
0010347	347216	PARKS-COMM. CENTER CONCESSIONS	6,000.00
0010347	347305	PARK-TENNIS MEMBER EVENTS	5,000.00
0010347	347594	REC FAC-RENT GOLF CLUB HOUSE	5,000.00
0010347	347515	REC FAC-RENT SHOWALTER FIELD	(20,000)
0010351	351102	FINES-RED LIGHT CAM CITATIONS	331,100.00

0010351	351101	FINES-TRAFFIC CITATIONS	20,000.00
0010354	354101	LCL ORD-PARKING TICKETS	39,400.00
0010361	361110	INT-CHECKING AND SAVINGS	14,000.00
0010362	362300	RENT-FARMERS MARKET	25,000.00
0010362	362112	RENT-BILLBOARD	8,500.00
0010369	369101	EMPLOYEE REIMBURSEMENT	(8,800)
0010369	369901	OTHER MISCELLANEOUS REVENUES	(65,000)
Revenue Reductions			2,823,700

Expenditure Reductions

Contingencies

0019200	599414	OTHER USES - COMMUTER RAIL	(316,000)
0019200	599410	OTHER USES - CONTINGENCY RES	(2,120,643)
0018502	591301	CAPITAL PROJECTS CONTINGENCY	(50,000)
Total Contingencies			(2,486,643)

Reduced Equipment Fund Transfers

0011701	544060	RENTALS - EQUIP REPLACEMENT FD	(600)
0012401	544060	RENTALS - EQUIP REPLACEMENT FD	(2,700)
0012402	544060	RENTALS - EQUIP REPLACEMENT FD	(2,100)
0013102	544060	RENTALS - EQUIP REPLACEMENT FD	(6,600)
0013103	544060	RENTALS - EQUIP REPLACEMENT FD	(2,300)
0013110	544060	RENTALS - EQUIP REPLACEMENT FD	(1,400)
0013112	544060	RENTALS - EQUIP REPLACEMENT FD	(2,300)
0014101	544060	RENTALS - EQUIP REPLACEMENT FD	(2,000)
0014103	544060	RENTALS - EQUIP REPLACEMENT FD	(2,500)
0014104	544060	RENTALS - EQUIP REPLACEMENT FD	(35,000)
0014105	544060	RENTALS - EQUIP REPLACEMENT FD	(10,100)
0014106	544060	RENTALS - EQUIP REPLACEMENT FD	(1,400)
0014107	544060	RENTALS - EQUIP REPLACEMENT FD	(7,500)
0014108	544060	RENTALS - EQUIP REPLACEMENT FD	(1,900)
0014110	544060	RENTALS - EQUIP REPLACEMENT FD	(6,700)
0015101	544060	RENTALS - EQUIP REPLACEMENT FD	(2,900)
0015102	544060	RENTALS - EQUIP REPLACEMENT FD	(1,700)
0015103	544060	RENTALS - EQUIP REPLACEMENT FD	(86,400)
0016102	544060	RENTALS - EQUIP REPLACEMENT FD	(15,800)
0016103	544060	RENTALS - EQUIP REPLACEMENT FD	(1,800)
0016104	544060	RENTALS - EQUIP REPLACEMENT FD	(2,400)
0016105	544060	RENTALS - EQUIP REPLACEMENT FD	(900)
0016201	544060	RENTALS - EQUIP REPLACEMENT FD	(300)
0016202	544060	RENTALS - EQUIP REPLACEMENT FD	(800)
0016205	544060	RENTALS - EQUIP REPLACEMENT FD	(2,000)
0016302	544060	RENTALS - EQUIP REPLACEMENT FD	(7,700)
Total Equipment Fund Transfers			(207,800)

Misc. Operating Spending Reductions

0011203	534046	OTHER SERVICES - ELECTION COST	(14,500)
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0011701	548008	PROMOTIONAL - 4TH OF JUL	(15,000)
0014104	515020	SPECIAL PAY - SPECIAL DETAIL	(50,000)
0015102	515020	SPECIAL PAY - SPECIAL DETAIL	(3,000)
0015102	554020	PUBLICATIONS AND MEMBERSHIPS	(2,000)
0015102	551020	OFFICE SUPPLIES	(257)
0015103	534090	CONTRACTUAL SERV - MOTOROLA	(3,000)
0015103	515020	SPECIAL PAY - SPECIAL DETAIL	(7,000)
0015105	534040	OTHER SERVICES - CONTRACTUAL	(5,000)
0015103	512020	TEMPORARY SUPERVISOR WAGES	(15,000)
0011101	540010	TRAVEL AND PER DIEM	(3,500)
0011301	540010	TRAVEL AND PER DIEM	(4,000)
0012401	540010	TRAVEL AND PER DIEM	(2,500)
0012402	540010	TRAVEL AND PER DIEM	(3,000)
0016302	540010	TRAVEL AND PER DIEM	(1,500)
Total Misc. Operating			(129,257)

Balanced Amendment	0.00
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City Commission agenda item

item type Public Hearings	meeting date December 9, 2020
prepared by Rene Cranis	approved by Bronce Stephenson, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Request of Jim Veigle for:

item list

Ordinance - annexation of 2269/2267/2265/2263/2261/ 2259/2257 Kentucky Avenue.
(Second Reading)

motion / recommendation

Recommendation is to approve the annexation Ordinance.

background

This public hearing is the second reading of requests for a annexation of seven (7) properties on Kentucky Avenue, measuring approximately 1.1 acres. These properties are being voluntarily annexed into the City by the property owners.

The Kentucky Avenue properties are all interconnected and consolidated in ownership with the adjacent properties that front on West Fairbanks Avenue. This annexation will allow for commercial redevelopment of the properties from Fairbanks Avenue back to Kentucky Avenue. This annexation provides a more uniform city limit line. The City already provides the potable water and sanitary sewer to these properties. Any future development will go through the regular Winter Park development approval process. The property owner realizes that it would be extremely cumbersome for them to get permits for new building projects on a site that is one-half in the City and one-half in the County.

Ultimately, annexing these properties and having the entire Fairbanks/Kentucky tract of land within one jurisdiction will allow for better coordination of the development of these parcels and gives Winter Park better control of how these properties will be developed.

Once these properties are annexed the city staff will come back with Ordinances to establish the Comprehensive Plan Future Land Use and Zoning designations. However, that cannot be done until the property is officially annexed and must have a

recommendation from the Planning and Zoning Board. Thus, those will be on a future Commission agenda.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

[Annexation Ordinance for Kentucky.doc](#)

ATTACHMENTS:

[Kentucky Ave Annexation map.pdf](#)

ORDINANCE _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 1.1+/- ACRES OF REAL PROPERTY LOCATED AT 2269/2267/2265/2263/2261/2259/2257 KENTUCKY AVENUE AS MORE SPECIFICALLY DESCRIBED HEREIN, INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY OF WINTER PARK JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property owners of seven (7) parcels have requested the City enact a voluntary annexation for 2269/2267/2265/2263/2261/2259/2257 Kentucky Avenue, as also identified by Orange County Tax Parcel ID #s: 11-22-29-6180-01-320, 11-22-29-6180-01-330, 11-22-29-6180-01-340, 11-22-29-6180-01-350; 11-22-29-6180-01-360; 11-22-29-6180-01-370; 11-22-29-6180-01-380; 12-22-29-5000-03-061, and 12-22-29-5000-03-081.

WHEREAS, the Subject Properties being annexed comprise approximately 1.1 acres; and

WHEREAS, the City of Winter Park has determined that the Subject Properties are reasonably compact and contiguous to the municipal limits of the City of Winter Park, that annexation of the Subject Properties will not result in the creation of an enclave and that the Subject Properties and Right-of-Way meets the prerequisites and standards set forth in Section 171.044, Fla. Stat., for voluntary annexation into the City of Winter Park; and

WHEREAS, the City of Winter Park has provided adequate notice required by general law for the annexation of the Subject Properties and has conducted the required public hearing prior to the adoption of this Ordinance.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER PARK, FLORIDA:

SECTION 1: *Recitals.* The above “Whereas” clauses are true and correct and constitute legislative findings of the City of Winter Park City Commission and are incorporated herein by this reference.

SECTION 2: *Property Annexed.* That, after conducting a public hearing and having found that the Owners’ petition for voluntary annexation of the Subject Properties meets the prerequisites and standards for annexation under general law, the Subject Properties identified as 2269 Kentucky Avenue 11-22-29-6180-01-320; 2267 Kentucky

Avenue 11-22-29-6180-01-330; 2265 Kentucky Avenue 11-22-29-6180-01-340; 2263 Kentucky Avenue 11-22-29-6180-01-350; 2261 Kentucky Avenue 11-22-29-6180-01-360; 2259 Kentucky Avenue 11-22-29-6180-01-370 and 2257 Kentucky Avenue 11-22-29-6180-01-380 and as legally defined and graphically shown on the map and sketch attached hereto as Exhibit "A" are hereby annexed into the municipal boundaries of the City of Winter Park.

SECTION 3: *Effect of Annexation.* That the City of Winter Park, shall have all of the power, authority, and jurisdiction over and within the Subject Properties as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: *Consent to Municipal Services Taxing Unit.* Pursuant to § 125.01 (1) (q), Fla. Stat., the Winter Park City Commission consents to the continuation of the Municipal Services Taxing Unit (MSTU) for street lighting along Kentucky Avenue involving these seven properties within this area to be annexed by this ordinance. The City's consent expires on the date on which Orange County discontinues this MSTU levy or amends the boundaries of this MSTU to exclude these properties. Additionally, this consent is hereby conditioned upon the City maintaining its full constitutional authority to levy ad valorem taxes up to 10 mills for municipal purposes. Therefore, the City's consent by this section shall terminate as of the date the Winter Park City Commission levies an ad valorem millage rate that when added to this MSTU levy would, if the City's consent to the MSTU were not terminated, exceed the constitutional 10 mill cap. The purpose of this term and condition is to maintain the City's ability, if ever necessary, to levy its full constitutional allotment of ad valorem taxes without restriction by virtue of this MSTU.

SECTION 6: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or her designee is directed to file a copy of this Ordinance with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 7: *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 8: *Effective Date.* This Ordinance shall become effective after its adoption at its second reading.

ADOPTED this _____ day of _____, 2020, by the City Commission of the City of Winter Park, Florida.

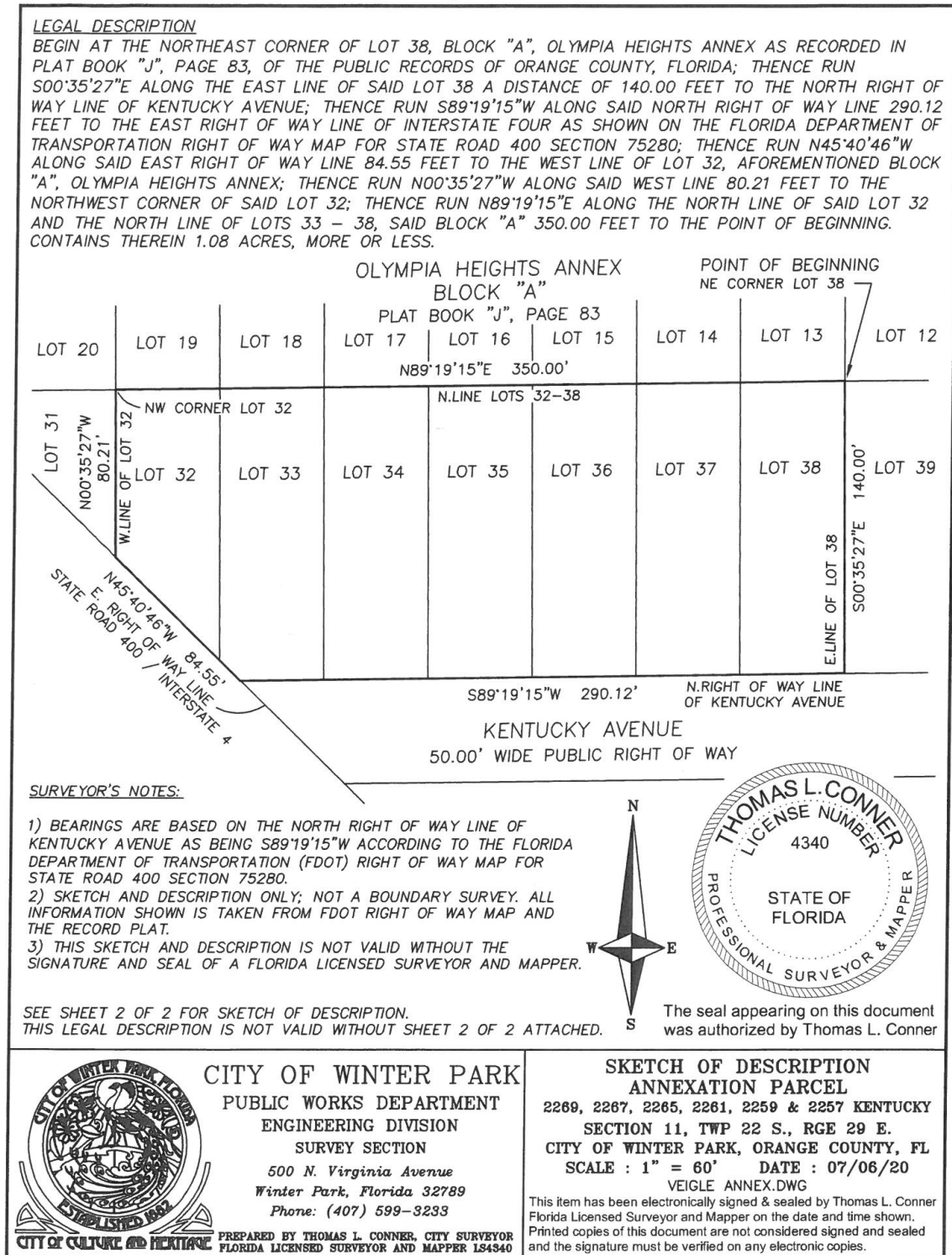
APPROVED:

Steve Leary, Mayor

ATTEST:

Rene Cranis, City Clerk

Exhibit "A"





Annexation Request
Kentucky Avenue

City of Winter Park
Florida



WP Boundary



Proposed Annexations



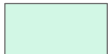


Annexation Request
Kentucky Avenue

City of Winter Park
Florida



WP Boundary



Proposed Annexations





City Commission **agenda item**

item type Public Hearings	meeting date December 9, 2020
prepared by Rene Cranis	approved by Bronce Stephenson, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Request of Chris Tracy for:

item list

- Ordinance - annexing the property at 1800 Karolina Avenue
- Ordinance - establishing Parking Lot (PL) Future Land Use
- Ordinance - establishing Parking Lot (PL) Zoning
(Second reading)

motion / recommendation

Recommendation is for approval of the requests.

background

This public hearing is the second reading for 1) annexation of 1800 Karolina Avenue; 2) establishing Parking Lot future land use and 3) Parking Lot (PR) zoning on 1800 Karolina Avenue. (Conditional Use was approved on November 11th)

The combined properties at 1801/1805 W. Fairbanks Avenue and to the rear at 1800 Karolina Avenue have been in the same ownership since 1986. The former Paco's restaurant at the corner of W. Fairbanks Avenue and Clay Street closed in October 2016 after 35 years in business. That building and the former locksmith building next door have been vacant for several years. In the rear, on land zoned R-2 is a somewhat deteriorated 1935 house used as a rental. The combined 36,000 square foot site is now under contract for redevelopment. It has the advantage of a highly visible location at the traffic light for West Fairbanks and Clay Street and sufficient land for redevelopment. The detriment to the property is that it holds an unattractive lattice cell phone tower. The front properties on West Fairbanks Avenue are in the City of Winter Park but the rear property at 1800 Karolina Avenue is still part of unincorporated Orange County.

Request for Annexation and Establish Zoning

In order to utilize this combined redevelopment site, the applicants are seeking annexation of 1800 Karolina Avenue and for the City to establish, a Parking Lot future land use designation and Parking Lot (PL) zoning on that annexed property. This would allow for the proposed redevelopment of a new two-story office building on the commercially zoned frontage on West Fairbanks Avenue with the associated required parking to the rear.

Comprehensive Plan/Zoning Code Conformance

Redevelopment of this West Fairbanks gateway corridor has been a long-term project pursued by the City Commissions over the past 15 years. The first step was the annexation of this corridor 15 years ago and then over time, major investments in the public infrastructure. The City has invested over \$20 million to install a sanitary sewer system along this West Fairbanks corridor in order to allow for redevelopment. The City has done repaving, installed new mast arm traffic signals and street lights. The City has just recently completed the project to underground the electric lines (both the major transmission and service lines).

All of this financial investment along with the removal of several billboards has been done to help encourage the redevelopment of this gateway corridor. The City's image is defined by this major entrance and the transformation of that entry experience to a quality experience is the long-term goal of the City.

To that end, there is the recognition that the north side of the corridor will not redevelop unless owners can increase their values with new buildings. With the commercial properties only having a depth of 100 feet, this cannot happen without parking for the new development which must occur on the residentially zoned properties to the rear that front on Karolina Avenue.

Protections for the Adjacent Residential Neighborhood

The Comprehensive Plan contains the policy (below) that specifically encourages redevelopment on the North side of West Fairbanks Avenue in the manner as proposed by the applicant. This Comprehensive Plan policy mandates the protections and screening necessary to protect the adjacent residential homes. This includes a six-foot brick perimeter wall with column/cap and a landscape program outside the wall to soften that appearance including street trees to buffer the view of the building. Dumpsters must be up by the buildings. Lighting is low profile poles with shielding for downlighting only. There can be no driveway curb cuts onto Karolina Avenue. All traffic comes and goes via the side street of Clay Street. As this adjacent neighborhood is a dead-end scenario (with all roads leading back to Fairbanks Avenue), there is no reason for any traffic to use the residential streets as a cut-thru since those roads do not cut-thru. As a result, all traffic will come and go via the traffic light at Fairbanks and Clay.

Policy 1-L-11: Provide for & Encourage the Redevelopment of the North Side of Fairbanks Avenue Given the shallow lot depths on the north side of Fairbanks Avenue, the City shall consider the annexation of properties to the rear/north up to Karolina Avenue and land use designations for parking usage provided that the parking is screened from view by a brick wall, landscape, and ligustrum tree buffer per the template provided by the City; that no driveways are permitted that allow access onto the rear streets and that any lighting has no negative impact on nearby homes.

Summary and Recommendation

This project will set the template for the redevelopment desired by the City along the North side of the West Fairbanks Avenue corridor. The planning staff is very pleased to have this project pave the way for others to follow both in terms of design and also architectural image. All of the design elements required by the City for the rear parking lot to be harmonious with the adjacent residential properties have been implemented. The existing cell tower on this site could easily have made this the last site to redevelop and not the first. The building architecture will be a great addition to the street image and again set the tone for redevelopment along the corridor. This building image will help to transform this intersection.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Annexation Ord. for Pacos Redevelopment.doc](#)

ATTACHMENTS:

[Ord._1800 Karolina_Comp. Plan FLU.doc](#)

ATTACHMENTS:

[Ord._1800 Karolina_Zoning.doc](#)

ATTACHMENTS:

[Backup materials.pdf](#)

ATTACHMENTS:

[Chris Tracy-Neighbor letters of support.pdf](#)

ORDINANCE 3187-20

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 0.62 ACRES OF REAL PROPERTY LOCATED AT 1800 KAROLINA AVENUE AND THE ADJACENT CLAY STREET RIGHT-OF-WAY, AS MORE SPECIFICALLY DESCRIBED HEREIN, INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY OF WINTER PARK JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property owner of 1800 Karolina Avenue has requested the City enact a voluntary annexation for 1800 Karolina Avenue, also identified by Orange County Tax Parcel ID #: 12-22-29-4076-04-010.

WHEREAS, the Subject Property being annexed is a portion of other properties in the same ownership at 1801 and 1805 West Fairbanks Avenue, that are proposed for a unified redevelopment; and

WHEREAS, the City of Winter Park has determined that the Subject Property is reasonably compact and contiguous to the municipal limits of the City of Winter Park, that annexation of the Subject Property will not result in the creation of an enclave and that the Subject Property meets the prerequisites and standards set forth in Section 171.044, Fla. Stat., for voluntary annexation into the City of Winter Park; and

WHEREAS, the City of Winter Park has provided adequate notice required by general law for the annexation of the Subject Properties and has conducted the required public hearing prior to the adoption of this Ordinance.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER PARK, FLORIDA:

SECTION 1: *Recitals.* The above “Whereas” clauses are true and correct and constitute legislative findings of the City of Winter Park City Commission and are incorporated herein by this reference.

SECTION 2: *Property Annexed.* That, after conducting two public hearings and having found that the Owners’ petition for voluntary annexation of the Subject Property meets the prerequisites and standards for annexation under general law, the Subject Property identified as 1800 Karolina Avenue, also identified with the OCPA ID# 12-22-29-4076-04-010 and the right-of-way of Clay Street lying immediately east of this subject property, as further legally defined below and as graphically shown on the map and sketch attached hereto as Exhibit “A” is hereby annexed into the municipal boundaries of the City of Winter Park.

Legal description: Lots 1, 2 and 3, Block D, Karolina on Killarney subdivision, and the adjacent right-of-way lying immediately east thereof, as recorded in Plat Book "M", Page 105 of the Public Records of Orange County, further described by metes and bounds as Begin at the NE corner of Lot 1, Block D, Karolina on Killarney subdivision; then run South 135 feet to the SE corner of Lot 1, then run west 150 feet to the SW corner of Lot 3; then run north 135 feet to the NW corner of Lot 3; then run east 135 feet to the Point of Beginning and also including the 50-foot wide right-of-way of Clay Street lying immediately east of the above described property, as dedicated in the Karolina on Killarney plat and the Flamingo Shores plat per Plat Book "S", Page 144.

SECTION 3: *Effect of Annexation.* That the City of Winter Park, shall have all of the power, authority, and jurisdiction over and within the Subject Properties as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: *Consent to Municipal Services Taxing Unit.* Pursuant to § 125.01 (1) (q), Fla. Stat., the Winter Park City Commission consents to the continuation of the Municipal Services Taxing Unit (MSTU) for street lighting along Karolina Avenue involving these seven properties within this area to be annexed by this ordinance. The City's consent expires on the date on which Orange County discontinues this MSTU levy or amends the boundaries of this MSTU to exclude these properties. Additionally, this consent is hereby conditioned upon the City maintaining its full constitutional authority to levy ad valorem taxes up to 10 mills for municipal purposes. Therefore, the City's consent by this section shall terminate as of the date the Winter Park City Commission levies an ad valorem millage rate that when added to this MSTU levy would, if the City's consent to the MSTU were not terminated, exceed the constitutional 10 mill cap. The purpose of this term and condition is to maintain the City's ability, if ever necessary, to levy its full constitutional allotment of ad valorem taxes without restriction by virtue of this MSTU.

SECTION 6: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or her designee is directed to file a copy of this Ordinance with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 7: *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 8: *Effective Date.* This Ordinance shall become effective after its adoption at its second reading.

ADOPTED this _____ day of _____, 2020, by the City Commission of the City of Winter Park, Florida.

APPROVED:

Steve Leary, Mayor

ATTEST:

Rene Cranis, City Clerk

Exhibit "A"



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I, "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO ESTABLISH PARKING LOT FUTURE LAND USE ON THE ANNEXED PROPERTY AT 1800 KAROLINA AVENUE AND TO INDICATE THE ANNEXATION ON THE OTHER MAPS WITHIN THE COMPREHENSIVE PLAN, MORE PARTICULARLY DESCRIBED HEREIN.

WHEREAS, the City Commission intends to amend its Comprehensive Plan to establish a municipal Comprehensive Plan future land use map designation as a small-scale amendment to the Comprehensive Plan on the recently annexed property at 1800 Karolina Avenue, and

WHEREAS, this annexation and establishment of a Comprehensive Plan future land use designation is being done in concert with the redevelopment of other property under the same ownership at 1801/1805 W. Fairbanks Avenue, as one unified redevelopment project that has been approved by Conditional Use, in conformance with the Comprehensive Plan policies for redevelopment of such properties and as such is viewed in its' totality of the commercial land to be redeveloped with respect to the applicable land development regulations.

WHEREAS, the amendment of the Comprehensive Plan maps and the establishment of a future land use designation meets the criteria established by Chapter 163, Florida Statutes and pursuant to and in compliance with law.

NOW THEREFORE BE IT ENACTED, AS FOLLOWS:

SECTION 1. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to establish a Parking Lot future land use designation on the annexed property at 1800 Karolina Avenue and that all other maps in the Comprehensive Plan reflect the annexation of this property into the City of Winter Park, said property being more particularly described as follows:

LOTS 1, 2 and 3, BLOCK "D", KAROLINA ON KILLARNEY SUBDIVISION AS RECORDED IN PLAT BOOK "M", PAGE 105 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA
PROPERTY TAX ID# 12-22-29-4076-04-010

SECTION 2. This ordinance shall become effective 31 days after adoption but shall not become effective if this Ordinance is challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption. In that case it will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance, in compliance, with Chapter 163, Florida Statutes.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2020.

Mayor Steve Leary

Attest:

City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH PARKING LOT (PL) ZONING ON THE ANNEXED PROPERTY AT 1800 KAROLINA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN.

WHEREAS, the City Commission intends to establish a municipal zoning designation on this property in compliance with the establishment of a similar Comprehensive Plan future land use designation for said recently annexed property, and

WHEREAS, this annexation and establishment of a Zoning Map designation is being done in concert with the redevelopment of other property under the same ownership at 1801/1805 W. Fairbanks Avenue, as one unified redevelopment project that has been approved by Conditional Use, in conformance with the Comprehensive Plan policies for redevelopment of such properties and as such is viewed in its' totality of the commercial land to be redeveloped with respect to the applicable land development regulations.

WHEREAS, the establishment of municipal zoning meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held.

NOW THEREFORE BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AS FOLLOWS:

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to establish Parking Lot (PL) district zoning on the annexed property at 1800 Karolina Avenue, more particularly described as follows:

LOTS 1, 2 and 3, BLOCK "D", KAROLINA ON KILLARNEY SUBDIVISION AS RECORDED IN PLAT BOOK "M", PAGE 105 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA
PROPERTY TAX ID# 12-22-29-4076-04-010

SECTION 2. This ordinance shall become effective 31 days after adoption. If this Ordinance or the related companion Ordinance amending the Comprehensive Plan for this property is challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption, it will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance in compliance with Chapter 163, Florida Statutes.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2020.

Mayor Steve Leary

Attest:

City Clerk



LOCATION MAP

**1800 Karolina Ave &
1805 & 1801
West Fairbanks Ave**

City of Winter Park
Florida



Preliminary Conditional Use Submittal
TRACY OFFICE BUILDING
1801 W. FAIRBANKS AVE • WINTER PARK, FLORIDA

Sheet:
A01
ARCHITECTURAL

Drawing:
COVER
SCALE: UNSCALED

Project:

TRACY OFFICE BUILDING
1801 W. FAIRBANKS AVE • WINTER PARK, FLORIDA

Date & Issue:
27 AUGUST 2020
DESIGN REVIEW



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Sheet:
A14
ARCHITECTURAL

Drawing:
PERSPECTIVE • FROM FAIRBANKS
SCALE: UNSCALED

Project:

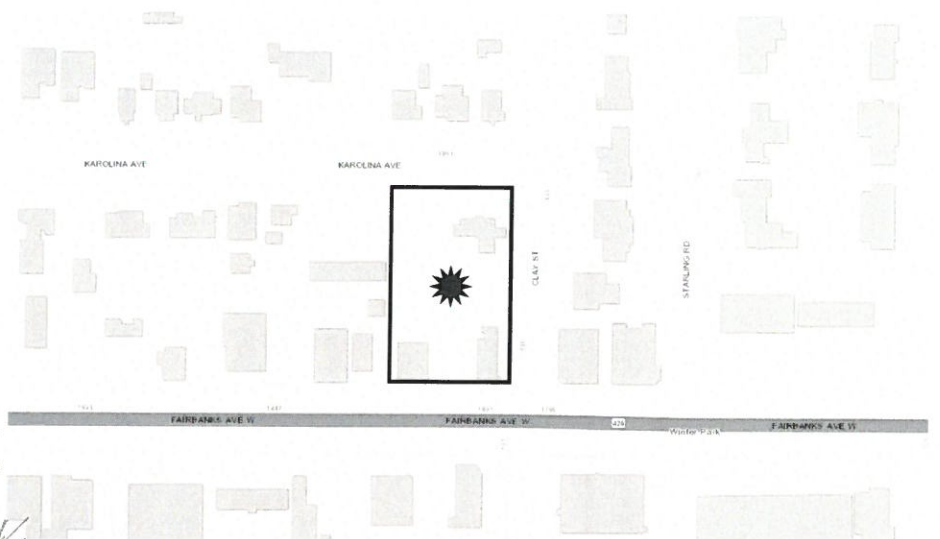
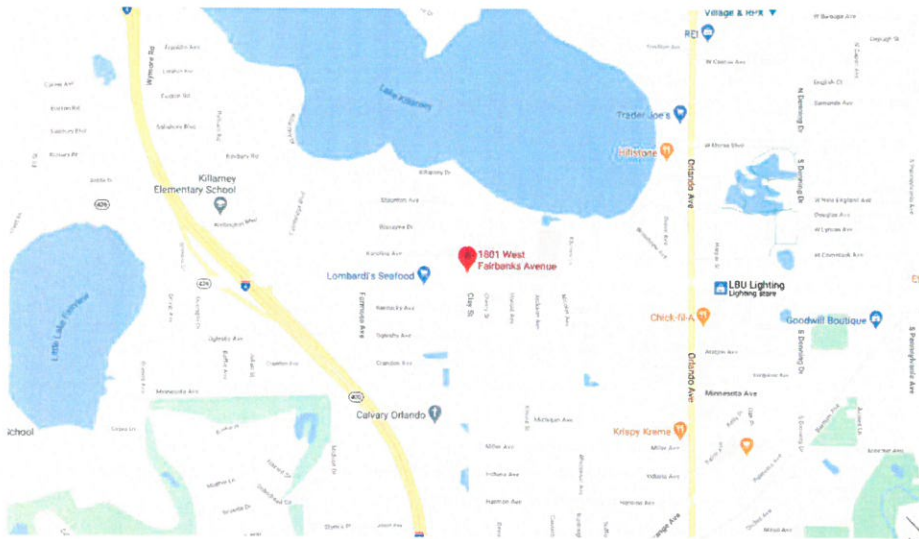
TRACY OFFICE BUILDING

1801 W. FAIRBANKS AVE. • WINTER PARK, FLORIDA

Date & Issue:
27 AUGUST 2020
DESIGN REVIEW



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Sheet:
A02
ARCHITECTURAL

Drawing:
PROJECT LOCATION
SCALE: UNSCALED

Project:

TRACY OFFICE BUILDING
1801 W. FAIRBANKS AVE. • WINTER PARK, FLORIDA

Date & Issue:
27 AUGUST 2020
DESIGN REVIEW

STOA
Studios

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PROJECT DATA

Zoning
Parcel # C3
Parcel # C3
Parcel # PL*

*Proposed annexation & zoning change

Use
Office (Mix of Medical & General)

Setbacks
Front - Fairbanks Ave 10' / 15'
Front - Clay St 10' / 15'
Side - West 10'
Rear - North 35'
Pavement 8'

* Front setbacks per LDC are 15' typical with a reduction to 10' allowed for certain building features

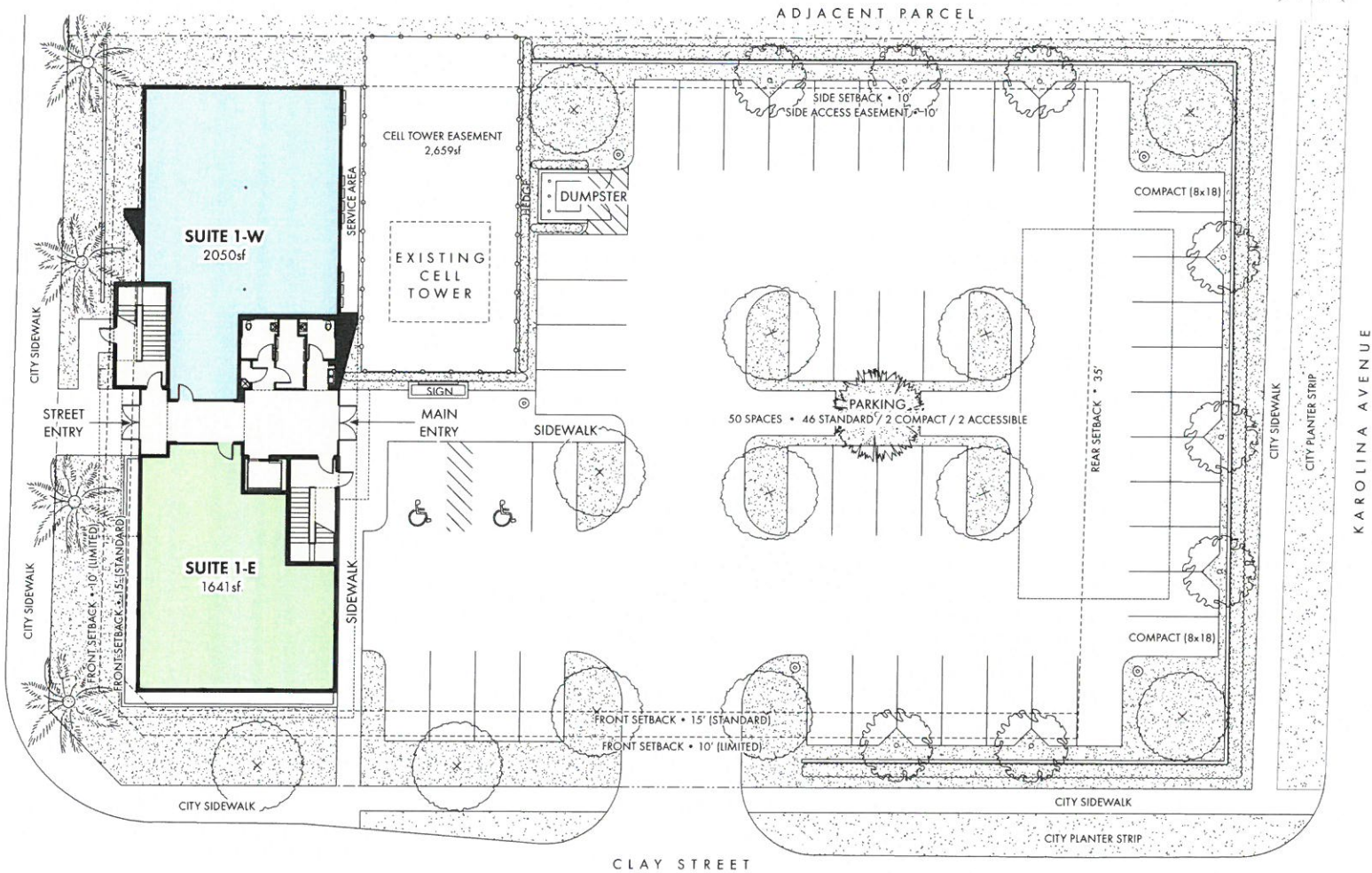
** Rear property line faces a residential neighborhood

Site Area
Total 36,039
Impervious Area
Building Footprint 5,011
Hardscape 19,298
Subtotal 26,309

Ratios
Impervious Area 53.5%
FAR 27.8%

Parking
Required
Office-Med (5,011sf/200) 26 spaces
Office-Gen (5,011sf/250) 20 spaces
Provided
Standard (9' x 18') 46 spaces
Compact (8' x 18') 02 spaces
Accessible (12' x 18') 02 spaces

Building
Building Area 10,022sf
Height / Stories 36' / 2
Construction Type IIIB
Fire Sprinklers Yes



Sheet:
A03
ARCHITECTURAL

Drawing:
PLAN - SITE
SCALE: 3/4" = 1'-0"

Project:

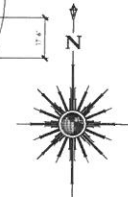
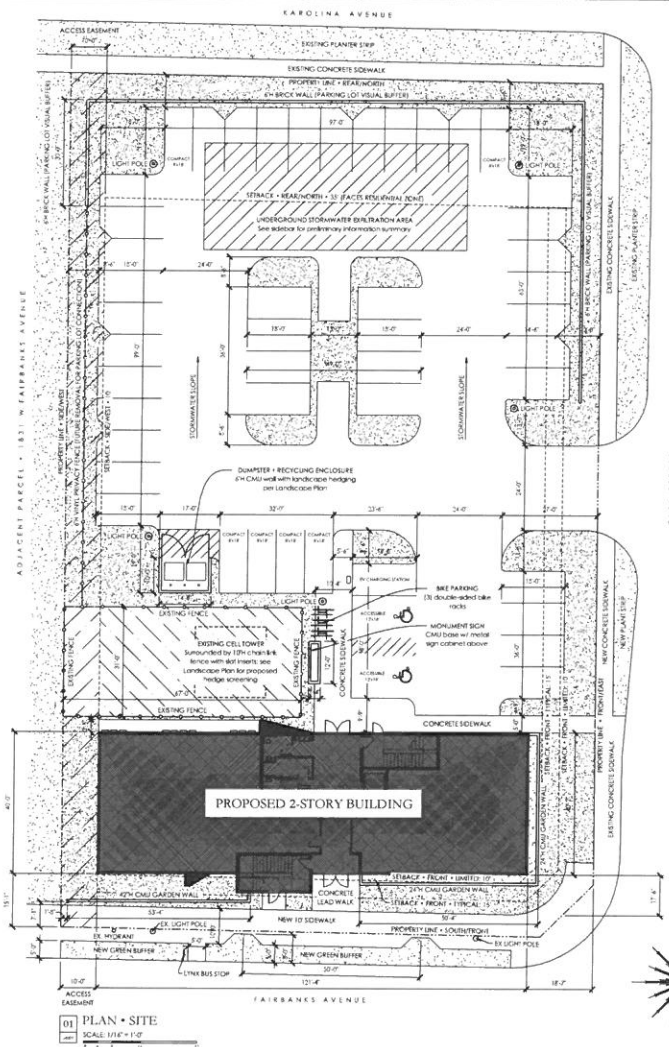
TRACY OFFICE BUILDING

1801 W. FAIRBANKS AVE. • WINTER PARK, FLORIDA

Date & Issue:
27 AUGUST 2020
DESIGN REVIEW

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A B C D E F G H I J

1

2

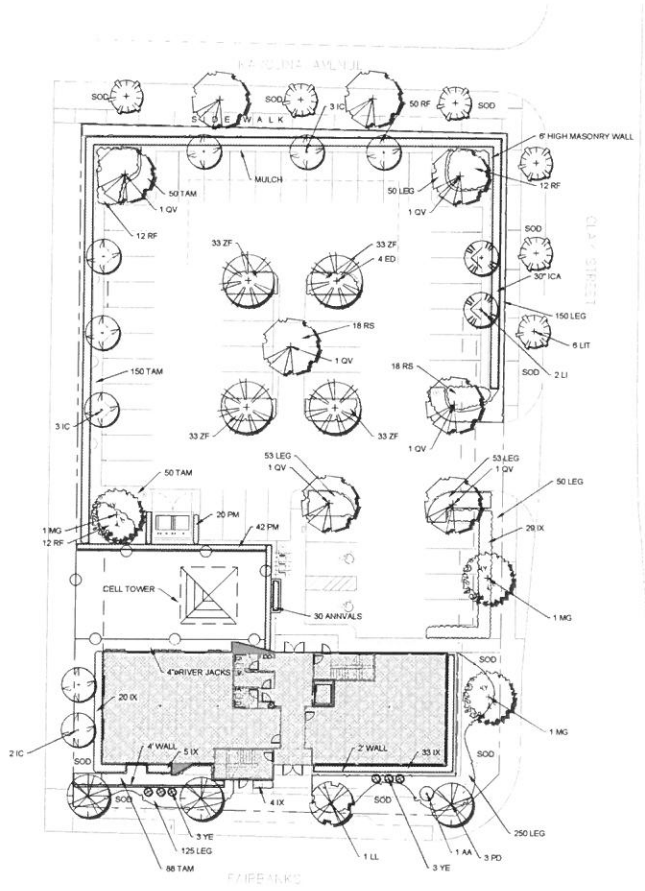
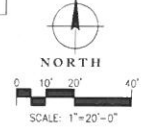
3

4

5

6

7



P L A N T L I S T							
KEY	TOTAL	BOTANICAL NAME	COMMON NAME	SIZE/HEIGHT, WIDTH	NATIVE	WATER USE	
ED	4	ELEDORAMUS DECIPENS	JAPANESE BLUEBERRY	3' CAL	NO	LOW	
LI	2	LASERSTROMIA	CRAPPE MYRTLE	10-12' H	NO	MEDIUM	
IC	8	ILEX CASSINE	TENSAW	2-1/2' CAL	YES	LOW	
MG	3	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	3' CAL	YES	MEDIUM	
OV	8	QUERCUS VIRGINIANA	LIVE OAK	3' CAL	YES	LOW	
PD	3	PHOENIX DACT. 'MEDJOL'	MEDJOL PALM	18' CW / 20' CT	NO	LOW	
LIT	6	LASERSTROMIA 'TUSCARORA'	TUSCARORA CRAPPE MYRTLE	12' H. ST	NO	MEDIUM	
LL	1	LIGUSTRUM INDICUM	LIGUSTRUM TREE	8' H	NO	MEDIUM	
AA	1	AGAVE	BLUE GLOW	15' GAL	NO	LOW	
YE	8	YUCCA ELEPHANTIPES	SPINELESS	15' GAL	NO	LOW	
PM	62	PODOCARPUS MAC	MAKI PODOCARPUS	42' H	NO	MEDIUM	
IX	90	IXORA C	SUPER KING	30' H	NO	MEDIUM	
RS	36	RHOODELDRON SP	RED RUFFLE	30' H	NO	MEDIUM	
RF	86	RHOODELDRON FORMOSIANA	FORMOSA	30' H	NO	LOW	
ZF	132	ZAMIA FLORIDANA	COONTIE	3' GAL	YES	MEDIUM	
LEG	731	LIRIOPE M	EVERGREEN GIANT	1' GAL	NO	MEDIUM	
TAM	338	TRACHELOSPERMUM ASIATICUM 'MINIMA'	CONFEDERATE VARIEGATA	1' GAL	NO	LOW	
SOD		ST. AUGUSTINE 'CITRA BLUE'		AS REQUIRED	NO	MEDIUM	

NOTE: AN AUTOMATIC IRRIGATION PLAN WILL BE SUBMITTED FOR FINAL PERMIT APPLICATION

Call before you dig
FLORIDA LAW REQUIRES EXCAVATORS TO NOTIFY OWNERS OF UNDERGROUND FACILITIES NO LESS THAN TWO (2) DAYS PRIOR TO EXCAVATION
Sunshine State One Call
www.callbeforeyoudig.com
1-800-432-4770



DALE & COMPANY
Ph: (407) 894-1317
Fax: (407) 894-8986
651 North Mills Avenue
Orlando, Florida 32803
Landscape Architecture Analysis Planning

LANDSCAPE SITE PLAN
FOR
Tracy Building
WINTER PARK, FLORIDA

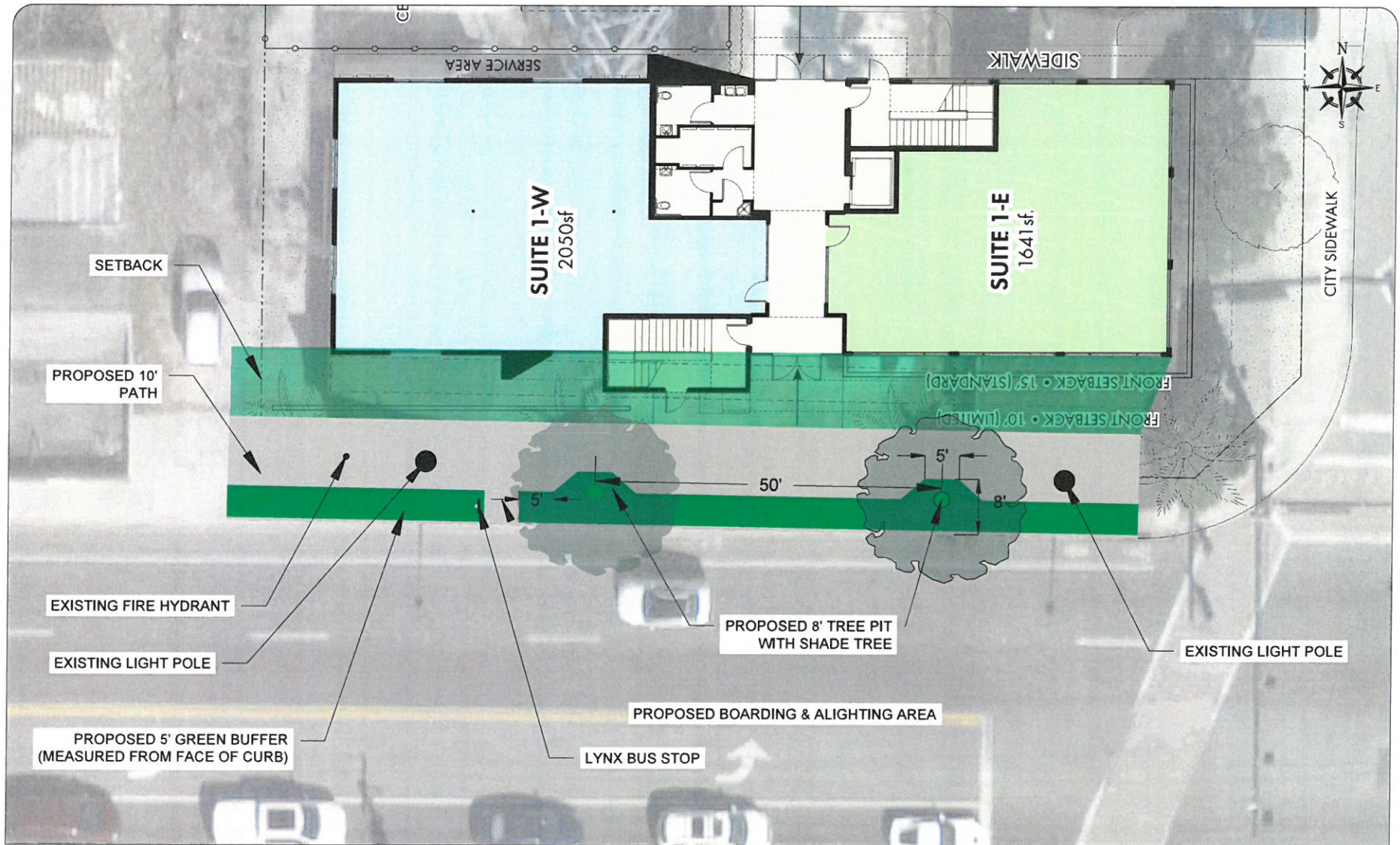
DESIGNED BY: RCD
DRAWN BY: RCD
CHECKED BY: RCD
DATE: 08-26-20

REVISIONS
1. Owner/City 10-8-20

2.
3.
4.
5.

L-1 of 4



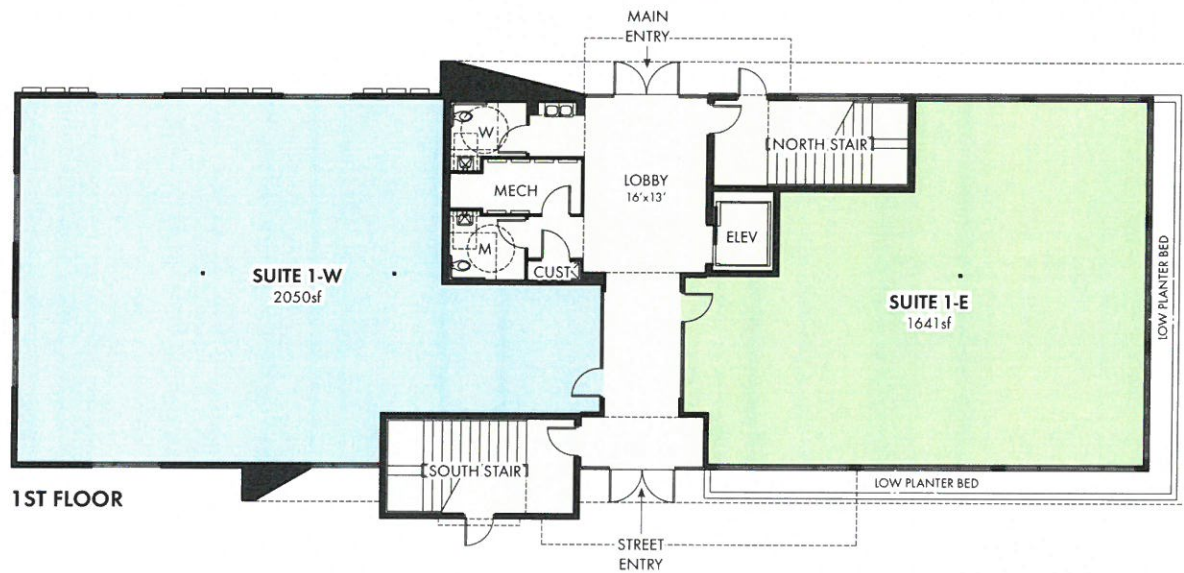
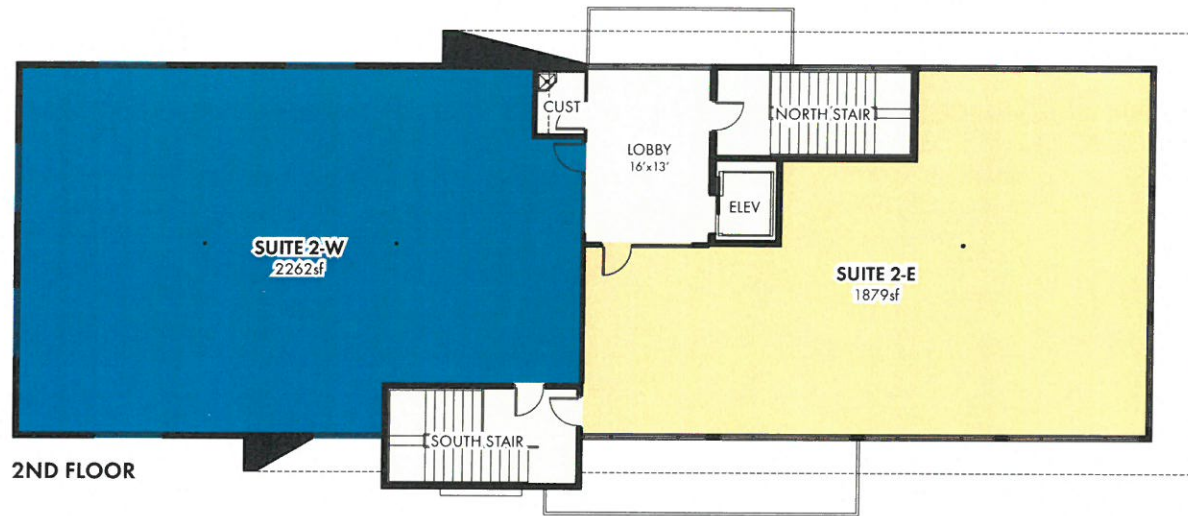


NOTES:

1. GREEN BUFFER IS MEASURED FROM FACE OF CURB.
2. UNOBSTRUCTED SIDEWALK WIDTH AROUND EXISTING FIRE HYDRANT SHALL BE A MINIMUM OF 36".
3. UNOBSTRUCTED SIDEWALK AT STREET WIDTH LIGHT SHALL BE A MINIMUM OF 48".
4. TREE PIT TO MEASURE 8' LENGTH (MEASURED PERPENDICULAR TO CURB AND 5' WIDTH (MEASURED PARALLEL TO ROADWAY).
5. BOARDING AND ALIGHTING AREA SHALL HAVE A MINIMUM CLEAR WIDTH OF 5' (MEASURED PARALLEL TO THE ROADWAY) AND MINIMUM CLEAR LENGTH OF 8' (MEASURED PERPENDICULAR TO THE CURB). COORDINATE WITH LYNX.
6. FINAL DESIGN TO BE APPROVED BY FDOT.
7. BASED ON EXISTING GEOMETRY, NO SIDEWALK TRANSITION IS NEED.

AREA SUMMARY

Total Area:	10,022sf
First Floor	5,011sf
Suite 1-W	2,050sf
Suite 1-E	1,641sf
Common Area	1,320sf
Second Floor	5,011sf
Suite 2-W	2,262sf
Suite 2-E	1,879sf
Common Area	0,870sf
Leasable Area:	7,832sf



Sheet:
A04
ARCHITECTURAL

Drawing:
PLAN • FLOOR
SCALE: 3/64" = 1'-0"

Project:

TRACY OFFICE BUILDING
1801 W. FAIRBANKS AVE. • WINTER PARK, FLORIDA

Date & Issue:
27 AUGUST 2020
DESIGN REVIEW



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INSTITUTE OF TRANSPORTATION ENGINEERS COMMON TRIP GENERATION RATES (PM Peak Hour)

(Trip Generation Manual, 10th Edition)

				Setting/Location	
Code	Description	Unit of Measure	Trips Per Unit	General Urban/ Suburban	Dense Multi- Use Urban
MEDICAL					
610	Hospital	1,000 SF GFA	0.97		
620	Nursing Home	1,000 SF GFA	0.59		
630	Clinic	1,000 SF GFA	→	3.28	5.18
640	Animal Hospital / Veterinary Clinic	1,000 SF GFA	3.53		
650	Free-Standing Emergency Room	1,000 SF GFA	1.52		
OFFICE					
710	General Office Building	1,000 SF GFA	→	1.15	0.87
712	Small Office Building	1,000 SF GFA	2.45		
714	Corporate Headquarters Building	1,000 SF GFA	0.60		
715	Single Tenant Office Building	1,000 SF GFA	1.74*		
720	Medical-Dental Office Building	1,000 SF GFA	3.46		
730	Government Office Building	1,000 SF GFA	1.71		
731	State Motor Vehicles Department	1,000 SF GFA	5.20		
732	United States Post Office	1,000 SF GFA	11.21		
733	Government Office Complex	1,000 SF GFA	2.82		
750	Office Park	1,000 SF GFA	1.07		
760	Research and Development Center	1,000 SF GFA	0.49		
770	Business Park	1,000 SF GFA	0.42		

NOTES & CALCULATIONS

The purpose of this conditional-use permit application is to give the Owner potential to build more than 10,000sf. This site doesn't support more than about 50 parking spaces with a two story building. Thus, at City of Winter Park parking ratios, the building size is practically limited as follows: max 10,000sf if the use is entirely medical offices, max 12,500sf if the use is entirely general offices. For that reason, the calculation below is based on a 12,500sf building with half of the building being used for each type of office.

Step 1: Additional Area Conditional Use Permit Would Enable: 2,500sf (1,250sf Medical Office + 1,250sf General Office)
 Step 2: Additional Trips Generated at Peak Hour

1.25k _{sf} Medical Office x 3.46 Peak Trips =	4,3250 trips
1.25k _{sf} General Office x 2.45 Peak Trips =	3,0625 trips
Total	7,3875 trips

Conclusion: Given the small additional square footage, even at peak hours the traffic impact is estimated at only 7-8 trips; average trip count would be much lower.

(Table Source: Institute of Transportation Engineers)

Sheet:
A06
ARCHITECTURAL

Drawing:
PRELIMINARY TRAFFIC ANALYSIS
SCALE: UNSCALED

Project:

TRACY OFFICE BUILDING
1801 W. FAIRBANKS AVE. • WINTER PARK, FLORIDA

Date & Issue:
27 AUGUST 2020
DESIGN REVIEW





Sheet:
A07
ARCHITECTURAL

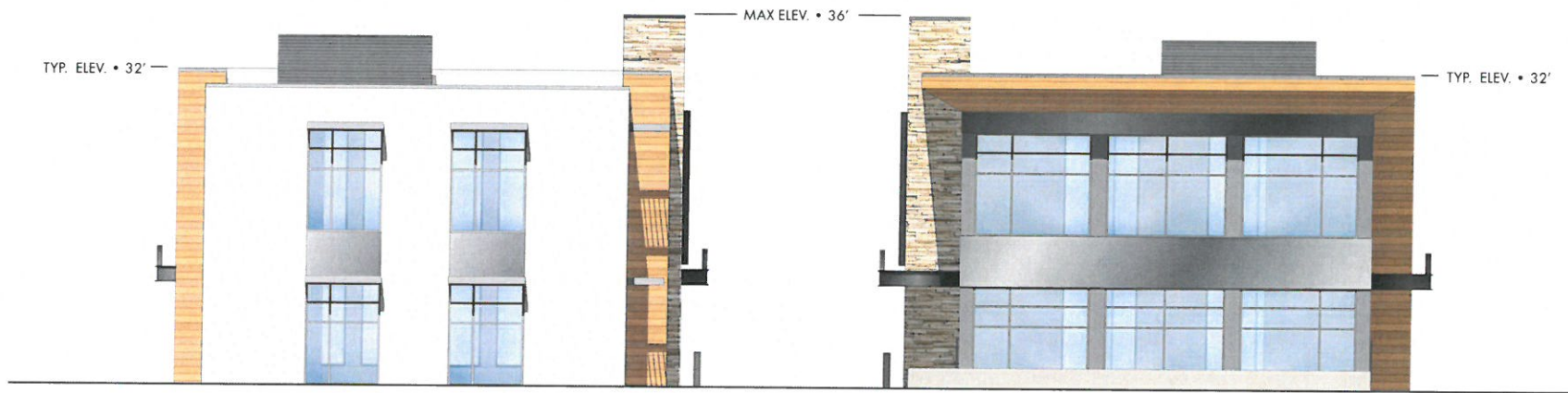
Drawing:
ELEVATION • FAIRBANKS AVE
SCALE: UNSCALED

Project:
TRACY OFFICE BUILDING
1801 W FAIRBANKS AVE • WINTER PARK, FLORIDA

Date & Issue:
27 AUGUST 2020
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WEST ELEVATION

EAST ELEVATION



NORTH ELEVATION

Sheet:
A08
ARCHITECTURAL

Drawing:
ELEVATIONS • ALL
SCALE: 1/16" = 1'-0"

Project:

TRACY OFFICE BUILDING
1801 W. FAIRBANKS AVE. • WINTER PARK, FLORIDA

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Sheet:
A09
ARCHITECTURAL

Drawing:
PERSPECTIVE • AERIAL S.E.
SCALE: UNSCALED

Project:

TRACY OFFICE BUILDING

1801 W. FAIRBANKS AVE. • WINTER PARK, FLORIDA

Date & Issue:
27 AUGUST 2020
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Sheet:
A10
ARCHITECTURAL

Drawing:
PERSPECTIVE • AERIAL S.W.
SCALE: UNSCALED

Project:

TRACY OFFICE BUILDING

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Date & Issue:
27 AUGUST 2020
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Sheet:
A11
ARCHITECTURAL

Drawing:
PERSPECTIVE • AERIAL N.W.
SCALE: UNSCALED

Project:

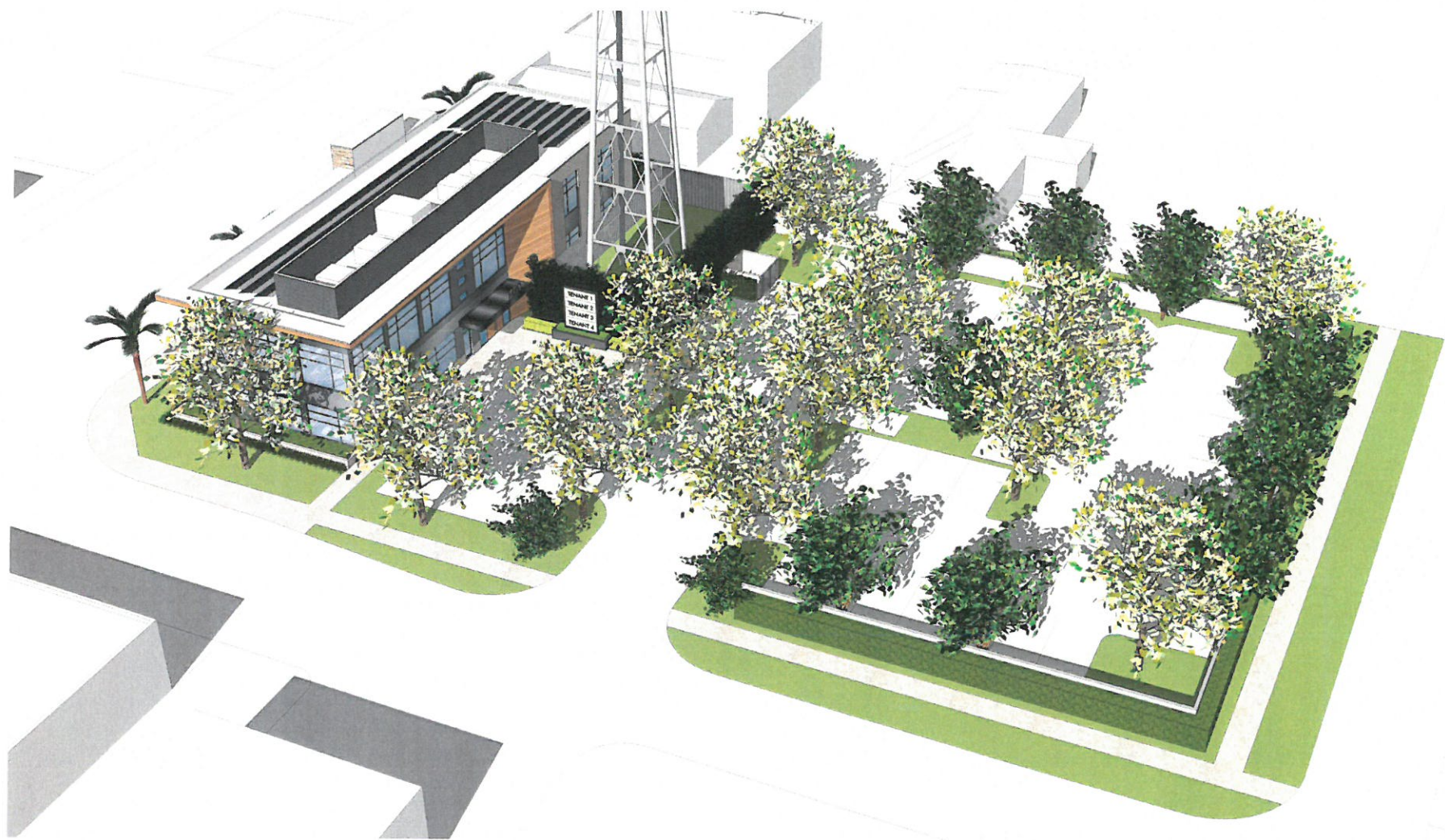
TRACY OFFICE BUILDING

1801 W FAIRBANKS AVE • WINTER PARK, FLORIDA

Date & Issue:
27 AUGUST 2020
DESIGN REVIEW



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Sheet:
A12
ARCHITECTURAL

Drawing:
PERSPECTIVE • AERIAL N.E.
SCALE: UNSCALED

Project:

TRACY OFFICE BUILDING
1801 W. FAIRBANKS AVE. • WINTER PARK, FLORIDA

Date & Issue:
27 AUGUST 2020
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Sheet:
A13
ARCHITECTURAL

Drawing:
PERSPECTIVE • FROM CLAY
SCALE: UNSCALED

Project:
TRACY OFFICE BUILDING
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Date & Issue:
27 AUGUST 2020
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C. Brenner, Inc.

3586 Aloma Ave Suite 5
Winter Park, FL 32792
Phone: (407) 677-1700

COMMERCIAL REAL ESTATE

Planning and Zoning – City of Winter Park

REF: Annexation, 1800 Karolina Ave;
Hearing Date – November 2, 2020

TO: Members of Planning and Zoning

After living on the south side of Lake Killarney for over 60 years, and seeing all the good things the County and City has accomplished, I submit my thoughts.

With great insight the City had extended the Annexation on Fairbanks out west of I-4. Although it was only on those properties immediately fronting Fairbanks, most of those on the north side from Clay Street west to Orange Terrace are only 120 feet deep. For proper re-development of these parcels you need parking and retention areas.

It would be a smart move for an Administrative Annexation from the City of Winter Park much like was done on the Fairbanks properties, on the immediate properties north of those that were annexed allowing the new depth to be used for parking and retention.

I have been a Commercial Broker for over 45 years and feel this maybe a great solution for all concerned including the neighborhood.

Thank you,

Charlie Brenner, CCIM
C. Brenner, Inc.
O: 407-677-1700; M: 407-256-1700
cbrenner@cbrenner.com

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www.CBrenner.com

City of Winter Park,

I am nearby neighbor of the proposed development site on the corner of Fairbanks Avenue and Clay Street. I have seen the plan and understand this project is coming before the City for approval. I have no objection to the annexation, rezoning and conditional use of the property for a commercial office building.

Thank you,

Christina Sawyer

Name

Christina Sawyer

Christina Sawyer (Aug 26, 2020 13:25 EDT)

Signature

8/26/20

Date

1803 Karolina Avenue

Winter Park, FL 32789

My Address

City of Winter Park,

I am nearby neighbor of the proposed development site on the corner of Fairbanks Avenue and Clay Street. I have seen the plan and understand this project is coming before the City for approval. I have no objection to the annexation, rezoning and conditional use of the property for a commercial office building.

Thank you,

Andrew Toth

Name

Andrew Toth

Signature

8/30/20

Date

1807 Karolina Ave

Winter Park, FI 32789

My Address

~~AREA~~ RESIDENT

City of Winter Park,

I am nearby neighbor of the proposed development site on the corner of Fairbanks Avenue and Clay Street. I have seen the plan and understand this project is coming before the City for approval. I have no objection to the annexation, rezoning and conditional use of the property for a commercial office building.

Thank you,

Robert Davis Helsby

Name


Signature

8/11/20

Date

438 Lakeview Avenue

Winter Park, FL 32789

My Address

City of Winter Park,

I am nearby neighbor of the proposed development site on the corner of Fairbanks Avenue and Clay Street. I have seen the plan and understand this project is coming before the City for approval. I have no objection to the annexation, rezoning and conditional use of the property for a commercial office building.

Thank you,

Name CAROLYN MINEAR

Signature 

Date 8/25/20

My Address

430 KILLARNEY DR
WINTER PARK FL
32789

City of Winter Park,

I am nearby neighbor of the proposed development site on the corner of Fairbanks Avenue and Clay Street. I have seen the plan and understand this project is coming before the City for approval. I have no objection to the annexation, rezoning and conditional use of the property for a commercial office building.

Thank you,

Alan Thompson
Name

[Signature]
Signature

8/21/2020
Date

458 Lakewood Ave
Winter Park, FL 32789
My Address

City of Winter Park,

I am nearby neighbor of the proposed development site on the corner of Fairbanks Avenue and Clay Street. I have seen the plan and understand this project is coming before the City for approval. I have no objection to the annexation, rezoning and conditional use of the property for a commercial office building.

Thank you,

Jackie Byrd Thompson

Name

Jodi Byrd Thompson

Signature

August 21, 2020

Date

458 Lakewood Ave
Winter Park, FL 32789

My Address



ALLEN NORTON & BLUE
PROFESSIONAL ASSOCIATION

1477 West Fairbanks Avenue, Suite 100 • Winter Park, Florida 32789
Telephone 407-571-2152 • Facsimile 407-571-1496

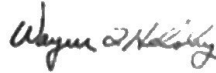
August 11, 2020

City of Winter Park
761 Old England Ave.
Winter Park, FL 32789

To Whom it May Concern:

I am nearby neighbor of the proposed development site on the corner of Fairbanks Avenue and Clay Street. I have seen the plan and understand this project is coming before the City for approval. I have no objection to the annexation, rezoning and conditional use of the property for a commercial office building.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Wayne L. Helsby'.

Wayne L. Helsby

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AREA COMMERCIAL BUILDING OWNER

City of Winter Park,

I am nearby neighbor of the proposed development site on the corner of Fairbanks Avenue and Clay Street. I have seen the plan and understand this project is coming before the City for approval. I have no objection to the annexation, rezoning and conditional use of the property for a commercial office building.

Thank you,

James W. Ferrell

Name



Signature

August 14, 2020

Date

1400 W. Fairbanks Avenue

Winter Park, Florida, 32789

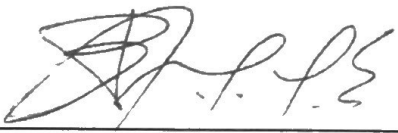
My Address

City of Winter Park,

I am nearby neighbor of the proposed development site on the corner of Fairbanks Avenue and Clay Street. I have seen the plan and understand this project is coming before the City for approval. I have no objection to the annexation, rezoning and conditional use of the property for a commercial office building.

Thank you,

Sergio Von Schmeling
Name


Signature

8-11-2020
Date

WORK: 1850 W. Fairbanks
Winter Park, FL 32789

HOME: 1764 Elizabeth's Walk
Winter Park, FL 32789
My Address



City Commission agenda item

item type Public Hearings	meeting date December 9, 2020
prepared by Bronce Stephenson	approved by Bronce Stephenson, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Request of City of Winter Park for:

item list

- Ordinance amending Chapter 58, Land Development Code, Article III, "Zoning", to establish in the Office (O-1) zoning district, a new Conditional Use provision for restaurants, cafes, coffee shops and other food and beverage establishments and to provide criteria for such Conditional Uses. (Second Reading)

motion / recommendation

Recommendation is for approval of the Ordinance.

background

The City's Office (O-1) Zoning district now allows office buildings, hospitals, etc. to have restaurants, cafeterias, coffee shops, etc. when those food and beverage establishments cater exclusively to the workers and visitors to the building. This proposed Ordinance would amend the Office (O-1) Zoning district text to allow for the range of restaurants and other food and beverage establishments to locate on the ground floor of existing office buildings that are three stories or more in height via a case by case conditional use review.

Since the first reading of the Ordinance, which was approved by the Commission, staff has updated and added a number of criteria intended to limit any impact on residential properties in the vicinity of the office properties.

Impact of the Code Change

The Zoning Code now allows restaurants within office buildings that are zoned commercial such as Luma in the Bank of America building. This code change would potentially apply then to a very limited number of existing properties that have 3+ story office buildings with office zoning. This is a way to responsibly respond to market demand.

and creates opportunities for adaptive reuse of large lobby spaces that were built for customer interaction, but due to changes in business models, technology and other factors, the lobby spaces now often sit vacant or are used very little. Our Comprehensive Plan calls for us to be constantly re-evaluating our policies and codes.

There are not a great number of locations within the City that would be able to achieve adaptive re-use, and each would be evaluated on their unique merits as a Conditional Use application. During the 2018 Parking Study that led to our parking modernization in the Zoning Code, we found that our larger offices were extremely over-parked, meaning large portions of their lots sit empty during the day, and are totally empty on the weekends. This creates the opportunity to utilize both the excess parking and the underutilized space within the building.

The proposed code change would be to allow buildings zoned office that are 3-stories or higher to utilize 25% of their square footage for adaptive re-use into food and beverage space. Winter Park also promotes mixed-use by the fact that all commercial and office zoned properties can include a residential component. This would build on the desire for mixed-use development. Some examples of buildings in town that would potentially have the opportunity for this type of re-use would be the Heritage Park building on the northwest corner of Denning & Morse or the Commerce National Bank building at Orlando Avenue and Harmon Road. All of these sites appear to have ample surplus parking to accommodate customers within their existing parking lots.

Conditional Use Approval Required

In each instance the specific building location and the specific restaurant or food service venue, including hours of operation would need to be approved on a case by case basis via Conditional Use. In that way the City can determine the compatibility of the request with the surroundings and may impose any conditions of approval that necessary for such specifics as hours of operation, live entertainment, location of parking, etc.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

[Ordinance_Restaurants CU in Office Zoning 2nd reading.docx](#)

ORDINANCE

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA
AMENDING ARTICLE III ZONING REGULATIONS OF CHAPTER 58 OF
THE LAND DEVELOPMENT CODE TO AMEND SUBSECTION 58-72
OFFICE (O-1) DISTRICT TO ESTABLISH A NEW CONDITIONAL USE FOR
RESTAURANTS, CAFES, COFFEE SHOPS AND OTHER FOOD AND
BEVERAGE ESTABLISHMENTS AND TO PROVIDE CRITERIA FOR SUCH
CONDITIONAL USES. PROVIDING FOR CODIFICATION, SEVERABILITY,
CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park (the "City") recognizes that certain types of food and beverage establishments can be compatible within multi-story office buildings as an ancillary activity to the predominate character and use of the building for offices and such mixed use requires special consideration and clarification of the intent of the Zoning Code; and

WHEREAS, the City recognizes that the Planning and Zoning Board and/or the City Commission desires that certain criteria and factors be necessary in order to promote such mixed use in office zoned areas as important for the character and environment of the City; and

WHEREAS, the City recognizes that the Planning and Zoning Board and/or the City Commission recognizes that the location and such other criteria are a part of the consideration for the approval of conditional uses but agrees that those types of conditional use applications may be heard; and

WHEREAS, in accordance with section 163.3174, Florida Statutes, and section 58-372 of the City Code of Ordinances, the City's local planning agency, which is the designated planning and zoning board, has reviewed and made recommendations as to the amendments set forth herein; and

WHEREAS, this Ordinance is being adopted in the best interests of the health, safety and welfare of the citizens of Winter Park.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER PARK,
FLORIDA:

SECTION I: RECITALS. The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings of the City Commission of the City of Winter Park.

SECTION II: EDITS. Portions of Chapter 58, Land Development Code, Article III, Zoning Regulations, are hereby amended to read as shown below, and words with single underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text. Provisions not included are not being amended.

SECTION III: AMENDMENT. Chapter 58, Land Development Code, Article III, Zoning Regulations, Section 58-72 “Office (O-1) District” is hereby amended in subsection (d) “Conditional uses” to establish a new conditional use, together with criteria as shown to read as follows:

Sec. 58-72. Office (O-1) district.

(d) Conditional uses.

(8) Restaurants (as defined in the definitions section of the LDC), cafes, coffee shops and other food and beverage establishments (but not including bars, taverns and lounges), provided the following criteria are met:

1. Such establishment may only be located on the ground floor within buildings of a minimum of three stories in height and such establishment may not occupy more than twenty-five (25%) percent of the floor area of the entire office building.
2. The front door or any outdoor (covered or open) area that serves customers shall be located at least 300 feet from any single-family residential use.
3. A parking plan shall be submitted, which shows how shared parking will be accommodated on the site, including hours of operation.
4. No outdoor speakers, music or televisions shall be allowed.
5. Drive-thru or pickup windows shall not be allowed.
6. Delivery areas shall not be located within 300 feet of any single-family residential properties.
7. Dumpsters shall not be located within 300 feet of any single-family residential use and shall be screened, using materials to match the building.
8. Any restaurant signage shall be approved as part of the Conditional Use.

SECTION IV: INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION V: SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION VI: CODIFICATION. Section III of this Ordinance shall be codified and made a part of the City of Winter Park Land Development Code, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word “Ordinance” may be changed to “Section,” “Article,” or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener’s errors.

SECTION VII: This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 9th day of December, 2020.

City of Winter Park

Steven M. Leary, Mayor

Attest:

Rene Cranis, City Clerk



City Commission agenda item

item type Public Hearings	meeting date December 9, 2020
prepared by Kristopher Stenger	approved by George Wiggins, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective To be consistent with the State of Florida's adoption of the 7th Edition of the Florida Building Code on December 31, 2020 and to stay current with the most recent edition of the International Property Maintenance Code.	

subject

Request of City of Winter Park for:

item list

Ordinance adopting the 7th Edition of the Florida Building Code (2020) with Administration Provisions and Technical Amendments (First Reading)

motion / recommendation

Approve adoption of the Ordinance

background

The proposed ordinance is the tri-annual update of the city's administrative and technical amendments to the Florida Building Code (7th Edition) and an update of the base amended code for property and building maintenance standards to the 2021 International Property Maintenance Code.

Several significant "Whereas" statements cover the appropriate legal criteria for adoption of this Ordinance. The Florida Building Commission conducted numerous hearings during the update process of the code covering covering building standards in the following areas: structural, life safety, energy, accessibility, electrical, mechanical, plumbing, gas, existing buildings, baseline administrative requirements and inclusion of statutory provisions related to construction. The complexity and comprehensiveness of the Florida Building Code is unlike most state building codes, and it was the first building code to incorporate all construction standards for all building types including development on private and public properties in one document.

The summary attached covers the basic information in our amendments. In the ordinance, you will find some highlighted paragraphs on pages 11 & 12 of the ordinance in which provisions have been added which cover some modifications in the

responsibility of contractors to manage both planned construction sites with a proposed demolition and active construction sites with regard safe conditions and cleanliness of those sites. These were added in response to comments received from citizens being impacted by infill construction among our neighborhoods.

The inclusion of a fire sprinkler requirement for the central business district is critical for the protection of older buildings and re-building of any new infill buildings. This provision has been carried over at each three year update cycle for many years because the basic fire sprinkler requirements do not fully cover all new buildings or substantially remodel building in our downtown area.

Our Construction Board of Adjustments and Appeals met twice and recommended adoption of this ordinance at their meeting on November 13, 2020. The minutes of that Board meeting are included.

alternatives / other considerations

Removing much of our local administrative amendments could have a substantially negative impact for our citizens and business owners.

fiscal impact

Requirements of the 7th Edition Florida Building Code (2020) have requirements for 2 additional required inspections for new construction and additions which will have very minor fiscal impact and can be carried out at ongoing funding levels.

ATTACHMENTS:

[Update SUMMARY OF W P BUILDING CODE ADMIN PROVISIONS & TECH AMDMT.docx](#)

ATTACHMENTS:

[Building Code Ordinance 2020 \(GW 11-19-20\) DL clean11-20-2020.doc](#)

ATTACHMENTS:

[11.13.2020 Board Meeting Minutes. 3.docx](#)

SUMMARY OF WINTER PARK BUILDING CODE ADMINISTRATIVE
AND TECHNICAL AMENDMENTS to 7th EDITION OF FLORIDA
BUILDING CODE & INTERNATIONAL PROPERTY
MAINTENANCE CODE

1. Florida Building Code 7th Edition is based on the 2018 International Building Code & Residential Codes with Florida amendments.
2. International Property Maintenance Code is being updated to the 2021 Edition.
3. Updated administrative amendments are substantially unchanged from current provisions with the addition of provisions from the State Building Official's Association draft of recommended updates.

4. Items covered in the administrative amendments include the following:

Department of Safety (defined for WP), Powers & Duties of the Building Official, Revocation of permits & CO, Conditions of permit, Contractor/owner responsibility, Demolition, Submittal Documents, Required inspections, Certificate of Occupancy, Construction Board, Violations, Unsafe building or systems, Definitions, Swimming pool protection during construction, and Determination of Design Wind Speed.

PLEASE NOTE THAT YELLOW HIGHLIGHTED TEXT ON PAGES 11 & 12 INCLUDES NEW PROVISIONS TO ADDRESS CONTRACTOR RESPONSIBILITIES IN KEEPING SITES CLEAN AND SAFE.

5. One item included as a technical amendment to the Florida Building Code carried over from previous update:

Special fire sprinkler requirements in the Central Business District defined by the properties bounded by New York

Avenue (on the west), Swoope Avenue (on the east), Knowles Avenue (on the east) and Fairbanks Avenue (on the south). This is based on having many older & historic buildings in close proximity along with allowance to have zero side setbacks in this zoning district.

6. The Property and Building Maintenance Code is updated with minor changes to the text within the 2021 International Property Maintenance Code. The current adopted provisions within the City Code further amends the 2021 Code with the continuation of amendments that expand the definition of “Nuisance” with 22 categories of descriptions. Add property maintenance criteria for overgrowth, addresses abandoned or disabled vehicles and contains special fire safety provisions for heating facilities in homes.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO BUILDINGS; AMENDING CHAPTER 22 TO INCORPORATE THE FLORIDA BUILDING CODE WITH CERTAIN ADMINISTRATIVE AND TECHNICAL AMENDMENTS; PROVIDING FOR A FIRE SPRINKLER REQUIREMENT AS PART OF THE WINTER PARK BUILDING CODE; DESIGNATING APPLICABLE WIND DESIGN CRITERIA; UPDATING THE PROPERTY AND BUILDING MAINTENANCE CODE WITH AMENDMENTS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, TRANSMITTAL AND AN EFFECTIVE DATE.

WHEREAS, the Florida Building Code Act of 1998 directed the Florida Building Commission to establish a statewide uniform building code known as the Florida Building Code; and

WHEREAS, the Seventh Edition of the Florida Building Code shall be in effect throughout the State of Florida as of December 31, 2020; and

WHEREAS, the enforcement of the Florida Building Code is the responsibility of local governments; and

WHEREAS, the City of Winter Park actively participates in the enforcement of building construction regulation for the benefit of the public health, safety and welfare of its citizens; and

WHEREAS, the City of Winter Park desires to facilitate the enforcement of the Florida Building Code by enacting administrative and a technical amendment which meet the needs of its citizens; and

WHEREAS, the City finds that such local technical amendment to the Florida Building Code adopted pursuant to this Ordinance meets the requirements for local amendments pursuant to section 553.73(4)(b), Florida Statutes; and

WHEREAS, the City finds that such local technical amendment adopted pursuant to this Ordinance is no more stringent than necessary to address the local needs for same, the additional requirements are not discriminatory against materials, products, or construction techniques of demonstrated capabilities, and the additional requirements does not introduce a new subject not addressed in the Florida Building Code; and

WHEREAS, the City has determined that all technical amendment enacted hereby is based upon a review of local conditions, which review demonstrates by evidence or data that the City exhibits a local need to strengthen the Florida Building Code beyond the needs or regional variation addressed by the Florida Building Code; and

WHEREAS, the City has and shall make readily available, in usable format, the technical amendment adopted as referenced herein, and the City has considered and shall include in its transmittal to the Florida Building Commission a fiscal impact statement which documents the costs and benefits of the proposed technical amendment. Such fiscal impact state includes the impact to

local government relative to enforcement, the impact to property and building owners, as well as to industry, relative to the cost of compliance; and

WHEREAS, within the City of Winter Park there exists an area with a special defined downtown zoning district known as the Commercial (C-2) District, where buildings are located in close proximity to each other with zero setbacks and in many cases are located next to older historic and non-historic buildings, and where there is the potential threat of fire spreading among combustible building types, which require an additional level of fire protection through the provision of fire sprinkler systems due to having combinations of combustible non-combustible construction types; and

WHEREAS, the Construction Board of Adjustments & Appeals, after notice and public hearing, has considered the proposed amendments to Building Code, more specifically described herein, and submitted its recommendation to the City Commission;

WHEREAS, the City Commission, after notice and public hearing, has considered the proposed amendments to Building Code, the recommendations of the Board of Adjustments and all public comments;

WHEREAS, the City Commission hereby makes findings that certain administrative and technical amendments for the provision of fire sprinklers are needed for the health, safety and public welfare of its citizens; and

NOW, THEREFORE, BE IT ENACTED by the people of the City of Winter Park, Florida, as follows:

Section 1. Recitals. All of the “**WHEREAS**” clauses mentioned above are legislative findings of the City Commission and are fully incorporated herein.

Section 2. Amendment. Article II, “Building Code,” Chapter 22 of the Code of Ordinances of the City of Winter Park is hereby amended as follows (words that are underlined are additions; words that are ~~stricken~~ are deletions; and all other provisions of Chapter 22 shall remain unchanged):

ARTICLE II. Building Code

Sec. 22-26. Short title.

This article shall be known and cited as the building code of the City of Winter Park.

Sec. 22-27. Codes adopted by reference.

The ~~Sixth~~ Seventh Edition Florida Building Code , including all volumes: Building, Existing Buildings, Fuel Gas, Plumbing, Mechanical, Accessibility, Energy Conservation and Residential, as published by the International Code Council, Inc, (Country Club Hills, Illinois) is hereby adopted by reference and is automatically in effect as required by Florida Statutes and shall include administrative and technical amendments in this Chapter as deemed appropriate to meet local needs and to facilitate the administration of the Florida Building Code.

Sec. 22-28. Amendments to the Florida Building Code.

All volumes of the Florida Building Code as adopted in section 22-27 are amended with administrative amendments contained in this section in the following respects:

Sections 101.2.1 is amended as follows:

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted. Within the Florida Building Code, Existing Buildings, Appendix C referencing NFPA 914 for Fire Protection of Historic Structures (2001 Edition) is hereby adopted.

Sections 101.2.2 and ~~3~~ are is added as follows:

101.2.2 Unsafe buildings shall be abated using the *International Property Maintenance Code 2018 2021 edition*, promulgated by the International Code Council, Inc., subject to all amendments, modifications or deletions hereinafter contained.

101.2.3 The amendments under Section 22-28 apply to all volumes of the Florida Building Code where applicable.

SECTION 103 is added to read as follows:

103. DEPARTMENT OF BUILDING SAFETY

103.1 Establishment. There is hereby established a Department to be called the Building and Permitting Services Department (referenced in the Florida Building Code as Department of Building Safety), and the person in charge shall be known as the building official or director of building and permitting services.

103.2 Employee qualifications

103.2.1 Building official qualifications. The Building Official shall be licensed as a Building Code Administrator by the State of Florida.

103.2.2 Employee qualifications. The building official, with the approval of the governing authority, may appoint or hire such number of officers, inspectors, plans examiners, assistants and other employees as shall be authorized from time to time. A person shall not be appointed or hired as inspector or plans examiner unless that person meets the qualifications for licensure as an inspector or plans examiner, in the appropriate trade as established by the State of Florida. Persons with appropriate experience and education may be considered for hire under an approved internship programs approved by the Building Code Administrators and Inspectors Board.

103.3 Restrictions on employees. An officer or employee connected with the department, except one whose only connection is as a member of the board established by this code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system or in the making of plans or of specifications thereof, within the jurisdiction of the department, unless he is the owner of such. This officer or employee shall not engage in any other work which is inconsistent with his duties or conflict with the interest of the department.

Section 104.1-104.6 is added to read as follows:

SECTION 104 POWERS AND DUTIES OF THE BUILDING OFFICIAL

3
Ordinance No. _____

104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code, and shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Right of entry.

~~104.2.1 Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this code. If such building or premises are occupied, he shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.~~

104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, *repair*, *alteration*, *addition* or other improvement of existing buildings or structures located in *flood hazard areas*, the *building official* shall determine if the proposed work constitutes substantial improvement or *repair of substantial damage*. Where the *building official* determines that the proposed work constitutes *substantial improvement* or *repair of substantial damage*, and where required by this code, the *building official* shall require the building to meet the requirements of Section 1612 or R322 of the Florida Building Code, Residential, as applicable.

104.3 Notices and orders. The *building official* shall issue all necessary notices or orders to ensure compliance with this code.

104.4 Inspections. The *building official* shall make all of the required inspections, or the *building official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.5 Identification. The *building official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the *building official* is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the *building official* shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure

entry.

~~104.2.2 When the building official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this code.~~

104.6 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Florida Building Code, Building Section 1612 Flood Loads.

104.7 Department records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records per FS 119.

104.8 Liability. Any officer or employee, or member of the construction board of adjustments and appeals, charged with the enforcement of this code, acting for the governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act, event or omission of action in the scope of his employment or function, unless he acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety or property. Any suit brought against any officer or employee or member because of such act, event or omission performed by him in the enforcement of any provisions of this code shall be defended by the city until the final termination of the proceedings, unless such person acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety or property. (See additional prohibitions; penalties in F.S. 468.629)

104.8.1 Legal defense. Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements.

The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

104.10.1 Flood hazard areas. The *building official* shall coordinate with the floodplain administrator to review requests submitted to the *building official* that seek approval to modify the strict application of the flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 117.

104.3 Revocation of permits or Certificate of Occupancy

~~104.3.1 Revocation of permits. The building official is authorized to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or for violation of any provision of this building code or the code of ordinances of the city.~~

~~104.3.2 Revocation of Certificate of Occupancy. The building official is authorized to revoke a certificate of occupancy within one year of issuance due to discovery of an unsafe structure or condition not found or able to be determined during the time of inspection, or due to failure of required flood proofing, required drainage and storm water systems adversely impacting adjacent or nearby properties and require corrective action by the owner, permit holder or contractor responsible for work on the building and at the property.~~

~~104.4 Misrepresentation of application. The building official may revoke a permit or approval, issued under the provisions of this code, in case there has been any false statement or misrepresentation as to the material fact in the permit application or plans on which the permit or approval was based including unlicensed contracting.~~

~~104.5 Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the building official.~~

104.12 Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the building official.

Add Section 105.1.6.2 to read as follows:

105.1.6.2 Misrepresentation of application. The building official may revoke a permit or approval, issued under the provisions of this code, in case there has been any false statement or misrepresentation as to the material fact in the permit application or plans on which the permit or approval was based including unlicensed contracting.

Section 105.4 is amended to read as follows:

105.4 Conditions of permit

105.4.1 Conditions of permit; permit term and intent.

105.4.1.1 The building official shall act upon an application for a permit with plans as filed, or as amended, without unreasonable or unnecessary delay. A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this code (including the Winter Park Code of Ordinances), nor shall such issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans or in construction or of violations of this code (including the Winter Park Code of Ordinances). No substantial building site preparation, including but not limited to excavation or placement of fill or foundation construction, shall take place prior to the issuance of a building, foundation or site development permit. Issuance of such permits is limited to meeting all other city site development requirements, and is subject to the approval of the building official.

105.4.1.2 Every permit issued shall become invalid unless the work authorized by such permit is commenced within 6 months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 6 months after the time the work is commenced, and the building official is authorized to require that any work which has been commenced or completed be removed from the building site unless the permit is extended or renewed as approved by the building official due to extenuating circumstances.

105.4.1.3 In constructing, renovating or building a new one or two family dwelling, additions onto one or two-family dwellings or accessory buildings work under the permit must be substantially completed within 12 calendar months after the time the work is commenced or else the permit shall become invalid. If such permit becomes invalid, no new permit shall be issued covering the same work or any portion thereof if the effect of such permit would be to allow completion of the work begun under the original permit unless an extension or reinstatement of the original permit is granted by the building official after receiving in writing reasons for the delay in completion of the building for good cause (see Section 105.4.1.7. When extending or reinstating a residential permit the building official may impose additional conditions to limit noise, storage of materials or debris, cleanliness of the building site, work hours, construction worker parking or take other actions that will minimize the negative impact of an active construction project for surrounding properties. Furthermore, any structural work partially completed on the property where the permit became invalid shall be removed and the property cleaned to the satisfaction of the building official. If the property owner or holder of the invalidated permit fails to remove the structure and clean the property within 30 days of the invalidation date, then the building official may take the necessary action to have the structure removed and have the property cleaned with all costs assessed against the property owner and if unpaid for 30 days shall be assessed as a lien against the property. Failure to comply with this section may require referring this matter to the Code Compliance Board to assess fines or other corrective actions.

Standard criteria that may be applied when extending or reinstating an expired permit or when preparing a construction management plan for any building project:

1. Limitation of noise: In addition to the specific prohibitions of noise from construction activities in Section 62-97 of Chapter 62, Article II "Noise and Disturbance Control," construction activity noise may be limited to week days between the hours of 8AM and 5PM.

2. Limitation of site cleanliness and storage of materials: In addition to the requirements addressing construction debris in Section 105.24, clean up of debris and discarded construction material may be required every 7 days; and storage of building material not in use may be limited to a storage period of 30 days or less.

3. Limitation of work hours to 8AM to 5PM, Monday through Friday, in addition to prohibition of work on ~~excluding~~ holidays.

4. Parking of all vehicles, trailer(s) and equipment related to the construction project is limited to onsite parking or parking on a remote non-residentially zoned site.

105.4.1.4 With respect to commercial or multifamily building projects, construction activity which has commenced under a valid building permit shall proceed without stoppages of work exceeding ninety (90) days or ninety (90) days after the last inspection after which the building permit may be revoked and become void and the project shall be deemed an inactive construction site for the purpose of this Section. The licensed contractor and/or property owner shall maintain all construction sites in a safe condition and shall provide fencing or other protective barriers if needed for security and safety on active or inactive construction sites. All building sites shall be kept clean so as to minimize unsafe or hazardous conditions and unsightly appearance. Active construction sites shall be protected as directed by the Florida Building Code and the building official. When extending or reinstating a non-residential or multifamily residential permit the building official may impose additional conditions to limit noise, storage of materials or debris, cleanliness of the building site, work hours, construction worker parking or take other actions that will minimize the negative impact of an active construction project for surrounding properties.

For inactive construction sites the licensed contractor or owner shall remove any silt fencing unless deemed necessary to protect adjacent public or private property from soil erosion or adverse drainage. During the first twelve (12) months after a construction project has become an inactive construction site the licensed contractor or owner shall comply with one of the following actions:

- 1) Paint unfinished surfaces of uncompleted structure(s) with muted or approved paint color and remove construction fencing or set back exterior fencing and cover with a black or muted color screen cover at least ten (10) feet (or approved distance) from all property lines abutting public streets. Provide an approved landscape barrier, sod or other approved surface: such as, but not limited to, mulch within the approved set back area. The approved landscape barrier or sod must be irrigated and maintained in good condition until the project can proceed with active construction. All buildings must be secured in an aesthetic manner to prevent entry in accordance with Section 22-177(108.9) where boarding up openings are used. All construction debris must be removed from the site and overgrowth of grass, weeds and vegetative growth must be mowed regularly to comply with Section 22-177 (302.4) of the Winter Park Code: or
- 2) Remove all incomplete structures (exclusive of the principal building(s) under construction); remove unused materials or store inside incomplete building or place out of view from the surrounding lot lines and maintain the property free of debris and overgrowth in accordance with Section 22-177 (302.4) of the Winter Park Code: or

- 3) Provide a written plan and completion time line outlining proposed measures to be taken to maintain the construction site in a safe and aesthetic manner until construction of the project can proceed. The plan must be reviewed and approved by the building official.

non-in In addition to the above required actions for an inactive construction site, after twelve (12) months, at the discretion of the Building Official based on safety concerns, all temporary or permitted fencing must be removed and the property shall be maintained free of overgrowth accordance with Section 22-177 (302.4) of the Winter Park Code.

Upon a determination by the building official that the subject project is not in compliance with this section, the licensed contractor or property owner may appeal the building official's decision to the Construction Board of Adjustments and Appeals to affirm or to amend and modify the decision of the building official. Failure to comply with any of these actions will result in the Building Official referring the matter to the Code Compliance Board. If the Code Compliance Board finds a serious threat to public health, safety and welfare, the Code Compliance Board may recommend reasonable repairs to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with a fine, as provided for in Section 162.09, Florida Statutes.

the Active construction sites shall be protected as directed by the Florida Building Code and building official.

105.4.1.5 In addition to any stricter provisions listed in 104.3 for revoking or voiding a permit, failure to obtain an approved inspection within 180 days of the previous approved inspection shall constitute suspension or abandonment of the permit. One or more extensions of time, for periods not more than 180 days each, may be allowed by the building official for the permit, provided the extension is requested in writing and justifiable cause is demonstrated prior to the expiration date. The building official shall record the extension of time granted.

105.4.1.6 For good cause shown, in order to keep the permit valid, the building official may grant one or more extensions of time for periods not exceeding 90 days each. Requests for extensions shall be in writing and addressed to the building official, shall state the basis for the request, and shall be filed prior to the expiration of the permit period or any extension thereof previously granted. Such extensions as may be granted shall be in writing by the building official.

105.4.1.7 Good cause for an extension shall include, but not be limited to, the following circumstances beyond the control of the permit holder:

- (1) Acts of God and other natural disasters.
- (2) Material shortages.
- (3) Interruptions due to strikes or other employee job actions.
- (4) Fire, explosion, or some similar catastrophe.
- (5) Financial reversals of a temporary nature.

(6) Other situations beyond the control of the permit holder.

105.4.1.8 The building official is authorized to reject new permit applications from a contractor who holds expired permits or inactive permits not resolved to comply with the building code or other applicable codes as determined by the building official. For the purposes of this subsection, a closed permit shall mean a permit for which all requirements for completion have been satisfied or a permit that has been administratively closed by the building official. An open permit shall mean a permit that has not satisfied all requirements for completion as defined in 105.5.1.1 (closed permit).

The building official is authorized to administratively close expired or inactive trade permits after 6 years based upon expiration when no known safety hazard exists and no code violations have been previously identified.

105.5.3 Closing out or resolving open or expired permits shall be the responsibility of the permit applicant and the property owner. Failure to close out or resolve open permits may be reported to the proper authority by the building official.

105.6.1 Revocation of permits. The building official is authorized to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or for violation of any provision of this building code or the code of ordinances of the city.

Section ~~105.5~~ 105.18 is added to read as follows

~~105.5~~ 105.18 Construction Site Management Plan (referenced hereafter as "Management Plan"). The building official may require a detailed management plan and completion schedule prior to the approval of a building permit or during the process of completing any active or inactive construction or demolition project. The management plan shall, at a minimum, provide specific information outlining the location of construction worker parking, construction equipment, material storage and temporary structures on the site under construction or on nearby properties, methods of debris removal including compliance with the city's waste franchise agreement. Additionally, traffic routes to and from the site, pedestrian safety barriers and fencing shall be included on the management plan and shall be identified for approval. The management plan must also reflect where displaced public or private parking is temporarily located during the term of the project to the maximum extent feasible. The plan is subject to review and approval by the building official. Failure to comply with the approved management plan shall result in the placement of a "stop work" order as outlined in Section 115, the issuance of a citation, by referring the violations to be heard by the Code Compliance Board or any other remedy provided at law. The approved management plan must be kept at the construction site and at all times during the construction process be made available to the building official or city inspectors.

Section ~~105.18~~ 105.19 is added to read as follows:

~~105.18~~ 105.19 Temporary toilet facilities for workers. Suitable temporary toilet facilities as determined by the building official in reliance upon normal industry standards shall be provided and maintained in a sanitary condition for the use of workers during construction. Such facilities shall be regularly cleaned and provided in a well-ventilated location and shall be placed at least 15 feet from the side property line of the lot on which it is located where practical, may not be placed in the public

right-of-way and shall be screened from view when required. The location of temporary toilet facilities on the property may be changed by the building official to recognize unique conditions or a less offensive location for neighbors.

Section 105.19 is added to read as follows:

~~105.19 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits shall be subject to a penalty of triple the basic permit fee. This provision does not apply if the building official determines that due to emergency work a delay would clearly have placed life or property in imminent danger. The payment of a triple fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.~~

Sections 105.20 to 105.27 are added to read as follows:

~~105.21.2 Electronic filing of permit documents. After all applicable city departments have reviewed and approved submitted permit documents and plans filed as part of an application for a building permit, and after all required corrections are made to the submitted permit documents and plans, prior to final issuance of the approved permit. The permit applicant must submit an electronic copy of the approved permit documents and plans in a format compatible with the city's electronic storage and retrieval system prior to obtaining the building permit, or the permit applicant may pay a fee in lieu of providing the electronic copy of the approved plan documents. The fee shall be the city's cost plus administrative costs to produce an electronic copy of the approved permit documents and plans and shall be listed in the city's most recently adopted or amended schedule of fees as approved by the City Commission. The building official may allow the building permit to be issued prior to providing the electronic permit documents and plans to prevent delays in the construction project. However, such electronic documents and plans must be submitted within thirty (30) days of issuing the building permit. In addition, when plan revisions occur during the construction process, the permit applicant must submit an electronic copy of the final construction documents with approved revisions prior to final inspection approval of the project or the permit applicant may pay a fee in lieu of providing the electronic copy of the final construction documents with approved revisions as referenced in this section. The implementation of these provisions for electronic filing and storage of permitting documents may be suspended or amended to implement any improved methods of permit document storage which become available.~~

~~105.22 Tents. Temporary tent structures with an area of 100 square feet or less which do not block access to buildings, violate zoning setbacks and are not used to expand or provide a commercial business do not require a permit. Temporary for the purpose of this section shall be defined as 7 calendar days or less. Temporary structures over 100 square feet shall comply with Section 3103 of the Florida Building Code.~~

~~105.23~~ 105.22 Additional data. The building official may require details, computations, stress diagrams, surveys and other data necessary to describe the construction, ensure proper building placement on a site, to verify code compliant installation(s) and to determine the basis of calculations provided.

105.24 105.23 Contractor/owner responsibility.

~~105.24.1~~ 105.23.1 The contractor and owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles throughout the construction project and prior to receiving final inspection approval. Construction job sites ~~must~~ shall be kept clean, free of overgrown weeds and grass ~~over 12 inches in height~~, and the accumulation of construction debris ~~must~~ shall not remain on the property for a period of time exceeding 10 days. Dust created during construction or demolition ~~must~~ shall be contained on the site or close proximity to building or structure through wetting down the dust or materials or through the use of any alternate means that prevents dust from leaving the property. Temporary or permanent sidewalk or other safe pedestrian path shall be maintained throughout the construction except where work on the site requires temporary removal of the pedestrian path. Violation of these conditions shall authorize the building official to place a stop work order on such jobs in violation of this section and require removal of debris and overgrowth, and correction of dust accumulation on site and adjacent properties or streets. Other remedies shall include referring the violation to the Code Compliance Board ~~or~~ and having all debris removed from job site by the city and charging all costs to the contractor or the property owner and if unpaid for 30 days all costs incurred shall be assessed as a lien against the property.

~~105.24.2~~ 105.23.2 The contractor, the owner or his agent, upon completion of a building or construction project, shall immediately remove all temporary walkways, debris and all other obstructions and leave such public property in ~~as good-a~~ condition as it was before work was commenced and shall replace all broken curbs, sidewalks or other damaged public utilities or property to the satisfaction of the Public Works Department prior to obtaining a certificate of occupancy or completion or within 14 calendar days from notification if no certificate of occupancy or completion is issued. Failure to correct damaged public property will result in the city ~~taking action to~~ making all necessary corrections, and all costs incurred will be charged to the property owner or contractor, and a lien will be placed against the property for the costs of repairs.

105.25 Demolition –

105.25.1 Rodent and dust control. In order to control spread of infestation by rodents, the building official may require proof that a building proposed to be demolished is free of rodents. Such proof may be certification by a state certified pest control operator that the building is free of infestation by rodents. Dust control shall be maintained at all times during demolition by watering or other protective means. This Section shall apply to all buildings, residential and non-residential as directed above. In addition, Section 3303 of the Florida Building Code, Building Edition, shall apply where applicable.

105.25.2 Maintenance of site and building: If demolition is delayed during or after the posting period, then the building and property shall be maintained in good condition, free of debris, overgrowth or other unsightly conditions including removal of silt fencing, unneeded tree protection barriers and maintenance of a safe sidewalk, until such time that demolition commences. After demolition these same standards shall be observed including leaving the vacant property graded free of hazards, free of piles of soil, free of discarded items or unsafe sidewalks and must not contribute to increased drainage onto the street or abutting properties in a manner that did not exist prior to demolition.

105.25.2 3 Work hours and days. Due to the disruptive nature of demolition activity the hours of operation permitted for demolition activities are limited to the following time periods:

12
Ordinance No. _____

Residential areas zoned for one and two family dwellings: 7:30AM to 6PM Monday through Friday, and 8:00AM to 5 PM on Saturday.

Non-residential or multi-family zoned areas: 7:30AM to 6:00 30PM Monday through Saturday.

Prohibited days include: Sundays and New Year's Day, Martin Luther King Day, Memorial Day, July 4, Labor Day, Thanksgiving Day and Christmas Day.

105.26 Notice provision for demolition of buildings.

(a) Prior to the issuance of a permit for the demolition of a building, the property owner or the designated representative of the owner of the building proposed for demolition shall post a notice on the property where the building is located so as to be easily visible and readable from the abutting street frontage and shall remain in place for 30 days. This notice shall be provided by the City and shall include the following information:

- (1) Owner of the property.
- (2) Date of posting the notice.
- (3) Address of the building planned for demolition and statement that the building will be demolished at the end of the posting period.

If demolition is delayed after the posting period then the building and property shall be maintained in good condition, free of debris, overgrowth or other unsightly conditions including removal of silt fencing until such time that demolition commences. [Moved to 105.25.2]

(b) Buildings not required to follow the notice of demolition provisions of this section:

1. Buildings which are determined to be a safety hazard, unsafe, a public nuisance, or otherwise dangerous and require immediate removal.
2. Accessory buildings, such as detached carports, garages, sheds, storage buildings, arbors, boathouses, greenhouses, and similar detached structures.
3. Other buildings as determined by the building official, such as certain commercial or multifamily buildings, but not including any building listed on the city's registry of historical buildings.

(c) Demolition of structures of buildings identified on the Florida Master Site File shall also comply with applicable provisions of Section 58-481 of the Winter Park City Code which may require an additional posting period as determined by Historic Preservation Board staff.

Section 107 Submittal Documents

~~Section 107.2.1.1 is added to read as follows:~~

~~107.2.1.1 Site plan.~~

~~107.2.1.1 Site drawings. Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The building official may require a boundary line survey prepared by a qualified State registered surveyor.~~

107.2.6.2 Records. The building official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection, except where exempted by Florida law.

~~Section 107.7 is added to read as follows:~~

~~107.7 Hazardous occupancies. The building official may require the following:~~

- ~~1. General site plan. A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.~~
- ~~2. Building floor plan. A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous material storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class of the hazardous materials stored.~~

Section 109.2.1 is added to read as follows:

109.2.1 Permit fees. On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a plan review fee for each permit shall be paid as required at the time of applying for the permit, and fees shall be paid as required at the time of obtaining the permit in accordance with the schedule as established by the city commission of the city as set forth in its schedule of fees. The established permit and plan review fees shall include the costs of services for enforcing the land development code and other municipal or regulatory requirements by city departments involved in plan review, inspection, and preliminary consultation for a project and administration of the land development code. The amount of refunds for any building permit, including single-family dwellings, shall be determined by deducting the cost of all city services including but not limited to plan review fees. When one year has elapsed from the time of issuance of a permit, no refunds shall be processed.

Section 109.3 is added to read as follows:

109.3 Building permit valuations. If, in the opinion of the building official, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied unless the applicant can show detailed estimates to meet the approval of the building official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including design costs, materials and labor. The permit valuation may be calculated using the latest Building Valuation Data published by the International Code Council or other current valuation data available at the option of

the building official or by using the actual contract amount for the construction improvement with the higher amount used for the permit valuation.

Section 109.4 is added to read as follows:

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits shall be subject to a penalty of triple the basic permit fee. This provision does not apply if the building official determines that due to emergency work a delay would clearly have placed life or property in imminent danger. The payment of a triple fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

SECTION 110 INSPECTIONS

110.1 General. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. The building official may require a boundary line survey prepared by a Florida licensed professional surveyor ~~survey~~ showing all setbacks to structures being laid out and detailed on a form board survey or after pouring foundations, floor slabs or for accurate determination of building height in accordance with the zoning code. A copy of the required survey shall be given to the inspector prior to approval of the inspection requested.

Add Sections 110.1.1 and 110.1.2. from the BOAF draft

110.1.1 Manufacturers and fabricators. When deemed necessary by the building official, an inspection of materials or assemblies at the point of manufacture or fabrication may be required. A record shall be made of every such examination and inspection and of all violations of the technical codes.

110.1.2 Inspection service. The building official may make, or cause to be made, the inspections required by Section 110. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes.

110.2 Preliminary inspections. Before issuing a permit, the building official ~~may~~ is authorized to examine or cause to be examined any structure, building, electrical, gas, mechanical, or plumbing

systems for which an application has been ~~received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy~~ filed.

110.3 Required inspections. The building official upon notification from the permit holder ~~or his or her agent~~ for the permit holder shall make the following inspections, or any other such inspection as deemed necessary and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.

Required inspections listed in Section 110.3 are amended as follows:

Building.

1 Foundation inspection: To be made after trenches are excavated, and forms and reinforcing steel is in place, and shall at a minimum include the following building components where applicable:

- ☐ stem-wall
- ☐ monolithic slab-on-grade
- ☐ piling/pile caps
- ☐ footers/grade beams
- ☐ column pads
- ☐ waterproofing
- ☐ footer steel grounding

1.1 In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification required in Section 1612 Florida Building Code Building and R322.2.1 Florida Building Code Residential, shall be submitted to the building official.

1.2 Slab Inspection: To be made after the reinforcement is in place, all concealed conduit, piping, ducts and vents are installed, termite soil treatment, sub-grade electrical, plumbing, and mechanical work is complete. Slab shall not be poured until all previous required inspections have been approved.

1.3 A foundation survey prepared and certified by a registered surveyor shall be required for all new construction prior to approval of the floor slab inspection. The survey shall certify placement of the building on the site, finish floor elevation and indicate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, when requested and approved by the building official, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.

1.4 Tie Beam/Lintel or Column Inspection (masonry/reinforced concrete construction only): To be made after all reinforcing steel is in place and clean outs provided.

2. Framing inspection: To be made after the roof, all framing, fireblocking and bracing is in place, all concealed wiring, all pipes, chimneys, ducts and vents are complete; the rough electrical, plumbing, heating wires, pipes and ducts are approved; and shall at a minimum include the following building components and requirements:

- ☐ window/door framing and installation
- ☐ window U-factor/SHGC (as indicated on approved energy calculations)
- ☐ vertical cells/columns
- ☐ lintel/tie beams
- ☐ framing/trusses/bracing/connectors (including truss layout and engineered drawings)
- ☐ draftstopping/fireblocking
- ☐ curtain wall framing
- ☐ energy insulation (to be made after the framing inspection is approved & insulation is in place)
- ☐ accessibility
- ☐ verification that rough opening dimensions are within tolerances allowed
- ☐ window/door buck attachment

2.1 Insulation Inspection: To be made after the framing inspection is approved and the insulation is in place, according to approved energy calculation submittal. Includes wall and ceiling insulation.

2.4 2.2 Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance- rated assembly or a shear assembly.

3. Sheathing inspection: To be made either as part of a dry-in inspection or done separately at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall at a minimum include the following building components:

- ☐ roof sheathing
- ☐ wall sheathing
- ☐ continuous air barrier
- ☐ exterior siding/cladding
- ☐ sheathing fasteners
- ☐ roof/wall/dry-in

NOTE: Sheathing fasteners installed and found to be missing on the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material.

3.1 Fire rated component inspection: To be made when components are in place and fasteners are visible for all wall, floor, roof or ceiling assemblies.

4. Exterior wall coverings. Shall at a minimum include the following building components in progress inspections:

- Exterior wall coverings and veneers
- Soffit coverings

4. 5. Roofing inspection: To be made as Shall at a minimum be made in at least two inspections and shall at a minimum include the following building components:

- ☐ dry-in
- ☐ insulation
- ☐ roof coverings (including in-progress as necessary)
- ☐ insulation on roof deck (according to submitted energy calculation)

- ☐ flashing

Re-roof sheathing inspection. An affidavit with a notarized signature of the licensed roofing contractor verifying that all replaced sheathing and fasteners used comply with criteria required by the Existing Building Code may be accepted at the discretion of the building official.

5. 6. Final inspection: To be made after the building is completed and ready for occupancy.

~~5.1.~~ 6.1 In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation shall be submitted to the building official.

6. 7. Swimming pool inspection:

Inspections for Residential swimming pools

- ☐ **First inspection:** to be made after excavation and installation of reinforcing steel, bonding, main drain piping sizing and pressure test prior to placing of concrete.
- ☐ Second inspection: underground piping in open trench with pressure test and underground electric bond wire to the equipment.
- ☐ Third inspection (deck inspection): to be made prior to installation of the deck material (with forms, deck drains, trench with equipotential bonding and any reinforcement in place.
- ☐ Fourth inspection (safety inspection): bonding connections for light niche, installation of proper drain covers and completion of barrier prior to filling the pool with water.
- ☐ Fifth inspection (final electrical inspection): electrical bonding equipment connections, GFCI devices and disconnects.
- ☐ **Final inspection** to be made when the swimming pool is complete and all required enclosure requirements are in place.

Commercial swimming pools may require additional inspections.

7. 8. Demolition inspections:

- ☐ First inspection to be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions shall exist during or after demolition operations.
- ☐ Final inspection to be made after all demolition work is completed.

8. 9. Manufactured building inspections. The building department shall inspect construction of foundations; connection of buildings to foundations; installation of parts identified on plans as site installed items joining the modules, including utility crossovers; utility connections from the building to utility lines on site; utility lines on site; and any other work done on site which requires compliance

with the Florida Building Code. Additional inspections may be required for public educational facilities. (See Section 453.27.20 of this code).

9. 10. Where impact resistant coverings or impact resistant systems are installed, the building official shall schedule adequate inspections of impact resistant coverings or impact resistant systems to determine the following: The system indicated on the plans is installed. The system is installed in accordance with the manufacturer's installation instructions and the product approval.

Electrical

1. Underground inspection: To be made after trenches or ditches are excavated, conduit or cable installed, footer steel grounding is in place and before any backfill is put in place.
2. Rough-In inspection: To be made after the roof, framing, ~~fire-blocking~~ fireblocking and bracing is in place and prior to the installation of wall or ceiling membranes.
3. Final inspection: To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.
4. Temporary power inspection: To be made after temporary power pole is in place and properly supported.
5. New electrical service inspection: To be made when all electrical work is complete and prior to energizing the electrical service.
6. Existing Swimming Pools. To be made after all repairs or alterations are complete, all required electrical equipment, GFCI protection, and equipotential bonding is in place on said alterations or repairs.

Plumbing

1. Underground inspection: To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
2. Rough-In inspection: To be made after the roof, framing, ~~fire-blocking~~ fireblocking and bracing is in place and all soil, waste and vent piping is complete, and prior to the installation of wall or ceiling membranes. Additional inspections shall include top out, tub sets, sewer and water service inspections; and includes plumbing provisions of the energy code and approved energy calculation provisions.
3. Final inspection: To be made after the building is complete, all required plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

Note: See Section 312 of the Florida Building Code, (Plumbing) for required tests.

Mechanical

1. Underground inspection: To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
2. Rough-In inspection: To be made after the roof, framing, fire-blocking and bracing is in place and all ducting and other concealed components are complete, and prior to the installation of wall

or ceiling membranes. Includes mechanical provisions of the energy code and approved energy calculation provisions.

3. Final inspection: To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

Gas

1. Rough piping inspection: To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected. Includes gas provisions of the energy code and approved energy calculation provisions.

2. Final piping inspection: To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.

3. Final inspection: To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to insure compliance with all the requirements of this code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

Add Section 110.3.9 to read as follows:

110.3.9 Final inspections. The licensed contractor and permit holder shall be responsible for obtaining final inspections and a certificate of occupancy or certificate of completion for all permits within a timely manner after completion of work. Timely shall mean immediately after completion of work within ~~30~~ 7 calendar days. ~~after completion of work.~~ Failure to obtain such final inspections and certificates of occupancy or certificate of completion shall be a violation of this article.

Add Section 110.4 to read as follows:

110.4 Inspection agencies. The building official is authorized to accept reports of approved inspection agencies, provide such agencies satisfy the requirements as to qualifications and reliability.

Section 111 Certificate of Occupancy

Add Section 111.1.1 to read as follows:

111.1.1 Issuing Certificate of Occupancy. Upon completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the technical codes, reviewed plans and specifications, and after the final inspection approval, and after verification that any septic system permit has received an approved final inspection where applicable, and after approval of other City departments involved in the inspection of the building or site, the building official shall issue a Certificate of Occupancy containing the information listed in Section 111.2 of the Florida Building Code and any other information required by the city. Delays in obtaining a certificate of occupancy by the contractor or property owner after fulfilling the above listed conditions will result in the automatic issuance of the certificate of occupancy with the

issuance date recorded as the date on which final inspection approval occurred. For revocation of a certificate of occupancy see Section 111.4.1.

Add Section 111.4.1 to read as follows:

111.4.1 Revocation of Certificate of Occupancy. The building official is authorized to revoke a certificate of occupancy within one year of issuance due to discovery of an unsafe structure or condition not found or able to be determined during the time of inspection, or due to failure of required flood proofing, required drainage and storm water systems adversely impacting adjacent or nearby properties and require corrective action by the owner, permit holder or contractor responsible for work on the building and at the property.

Add Section 112.4 & .5 to read as follows:

112.4 Underground utilities. In order to improve the aesthetic appeal of the city and to reduce hazards from wind storms, all utility lines such as electric, telephone, cable TV and other utilities shall be placed underground in conjunction with new construction, substantial renovation, and repair of buildings, signs or other structures or when a building is undergoing an electrical service upgrade from a 200 amperage service to a greater amperage service. Substantial renovation shall be renovation and/or additions whose building permit value exceeds 50 percent of the value of the existing improvements on the most current property tax roll published by the Orange County Property Appraiser. The city recognizes that certain physical elements such as existing buildings, swimming pools, large trees and such may impose unreasonable hardships on the property owner's compliance with the placement of utilities underground. Upon confirmation of these hardships by the utility companies, the building official may waive this requirement.

SECTION 112.5 TESTS

~~112.5 For products not covered under the statewide product evaluation and approval system, the building official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency.~~

SECTION 113 CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS

113 Construction board of adjustments and appeals.

113.1 Membership. There is hereby established a board to be called the construction board of adjustments and appeals, which shall consist of 7 members. ~~and one alternate member. The alternate member of this board shall also be licensed in one of the trades professions regulated by this board and may serve as a fire code professional in cases or appeals concerning the Florida Fire Code.~~ To the greatest extent possible, the board shall be comprised of 2 licensed contractors (building, residential or general), one licensed practicing architect, one licensed practicing structural engineer, one licensed master electrician or licensed electrical engineer, one licensed master plumber, and one licensed mechanical contractor or mechanical engineer and must include a fire code professional within its membership. ~~The board members shall be appointed by the mayor and confirmed by the city commission~~ in accordance with the provisions in Section 2-48(a) Appointment of members of subsidiary boards.

113.2 Terms of office. Members shall be appointed for terms of 3 years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made.

113.3 Quorum. Four members of the board shall constitute a quorum, in the case of a matter or case concerning an electrical, plumbing, mechanical or fire code matter before the board, the respective appointee knowledgeable of that field shall be present in order to make a decision. In hearing appeals of the enforcement of the application of any provisions of the building codes including electrical, plumbing, fuel gas or mechanical volumes of the Florida Building Code or in modifying an order of the building official, affirmative votes of the majority present, but not less than 3 affirmative votes, shall be required. A board member shall not act in a case in which he has a personal financial interest.

113.4 Executive Secretary or Clerk of board. The building official or designee of the building official shall act as staff liaison of the construction board of adjustments and appeals and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member, the absence of a member, and any failure of a member to vote.

113.5 Authority. The construction board of adjustments and appeals shall have the power to hear appeals of decisions and interpretations of the building official of this code and shall also have the authority to suspend or revoke the certificate of competency or state certification (within the city) of any residential, building, general, roofing, swimming pool, electrical, plumbing, mechanical or other specialty contractor doing work in the city who is found by the board to be guilty of one or more of the following acts or omissions:

- (1) Fraud or deceit in obtaining a certificate of competency.
- (2) Negligence, incompetence or misconduct in the practice of contracting within the meaning of this chapter.
- (3) Willful and deliberate disregard of or violation of this chapter or of any state statute concerning contractor licensing.

113.6 Decision of the building official. The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the building official to the construction board of adjustment and appeals whenever any one of the following conditions are claimed to exist:

1. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
2. The provisions of this code do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case.
4. The true intent and meaning of this code or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

113.7 Procedures. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet expeditiously after notice of appeal has been received within 21 days but no more than 30 days.

113.8 Notice of appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the building official. Appeals shall be in a form acceptable to the building official.

113.9 Unsafe or dangerous buildings or service systems. In the case of a building, structure or service system which, in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in his order, limit the time for such appeals to a shorter period.

113.10 Decisions. The construction board of adjustments and appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A copy of the decision shall be sent by mail or hand delivery to the appellant, and a copy shall be kept publicly in the office of the building official. Every decision of the board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity. Appeals from the decision of the construction board of adjustments and appeals relating to provisions of the Florida Building Code, other than local amendments, may be appealed to the Florida Building Commission, pursuant to section 120.569 Florida Statutes, regarding the local government's action.

Section 114 is added as follows:

SECTION 114 VIOLATIONS

114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

114.2 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. Appeals of the Notice of Violation may be filed and heard by the Board of Adjustments and Appeals in accordance with the appeal procedure outlined in Section 113. Failure to comply with the Notice of Violation may result in referring the matter to the Code Compliance ~~Enforcement~~ Board who are empowered to impose fines in accordance with procedures set forth in Section 2-107 of the Winter Park Code of Ordinances.

114.3 Violation of code provisions. The building official may revoke a permit upon a determination ~~by the building official~~ that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this code or the code of ordinances of the city.

114.4 Prosecution of violation. If the notice of violation is not complied with promptly, the *building official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

114.5 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law

Section 115 is amended as follows:

115.1.1 Stop work orders. Upon notice from the building official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of the Florida Building Code or the code of ordinances of the city or in a dangerous or unsafe manner, shall immediately cease, regardless of whether permitted plans have been reviewed by the city or permits have been issued. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, or by posting the building, structure or property upon which work is being performed and shall state the reason(s) for stopping work.

In an emergency situation, the building official shall not be required to give a written notice prior to stopping the work. Remedial action to correct violations or deficiencies shall be addressed by the owner, contractor or designer in a timely manner not to exceed time limits as set by the building official. Such remedial or corrective action shall be submitted for review and approval to the building official when required.

Section 116 is added as follows:

116 Unsafe buildings or systems.

116.1 Abatement. All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or unsafe service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of Section 108 and 109.1-.4 of the International Property Maintenance Code or other provisions of the building and property maintenance code of the city where applicable. All repairs shall be performed in accordance with the Florida Building Code.

116.2. Public nuisances. Public nuisances are defined in section 22-177(202) under "nuisance". When nuisance conditions or hazards degenerate or cumulatively impact on structures, dwellings, or other buildings regulated by this code, to the extent that repair, removal, securing or demolition is necessary for the public health, safety and welfare, then the building official or his designee or the code compliance ~~enforcement~~ board is authorized to order the property owner or city agents to repair, remove, secure, vacate or demolish such structures according to procedures outlined in this chapter. These powers are hereby declared to be remedial and essential for the public interest, and it is intended that such powers be liberally construed to effectuate the purposes stated herein.

116.3. Vacant buildings. No vacant building may be boarded up for a period of time exceeding 60 days unless granted a waiver by the building official. All vacant buildings or buildings permitted to be boarded up shall be maintained in accordance with section 22-177(304.6). Exterior walls and all boards used to enclose the building must be neatly fitted within window and door openings and must be painted to blend in with the color of the building, but shall not be brightly colored such as bright red, orange, green, or purple colors but rather shall be muted colors such as but not limited to tan or grey.

Section 202 is amended by adding or altering the following definitions:

Building department: The city's building and permitting services department.

Building official: The officer or other designated authority, or his duly authorized representative, charged with the administration and enforcement of this chapter, also known as the director of building and permitting services .

Sections 454.3 and R4501.17.1.16 is added as follows:

454.3 (Building) and R4501.17.1.16 (Residential) swimming pool enclosure protection during construction.

During the construction of public or private swimming pools, the permanent fence or wall meeting all applicable requirements of the Florida Building Code, Residential Volume, Chapter 45, or a temporary fence at least four (4) feet in height above the grade shall be installed. This fence or wall shall be closed, latched and locked at all times, except when work is in progress and workmen are on the site. The temporary fence shall not be removed except when the permanent fence, wall, enclosure or swimming pool is being actively constructed. At no time shall the pool be left by workmen unless secured by either the permanent or temporary enclosure. Swimming pool barrier protection shall allow bodies of water such as lakes, canals and streams to serve as one side of the required barrier when the water frontage is at least six feet wide beyond the shoreline, and the side yard fence barrier proceeds at least one foot into the water body or the fence continues to the edge of the water to the top of a canal or stream bulkhead wall. Provisions in this section apply to swimming pools on building sites, including commercial, residential or multifamily projects. Failure to maintain enclosure protection security with a swimming pool protection barrier shall cause the city to secure the pool from outside entry, and authorize the issuance of a "stop work" order until all fees related to providing a pool protection barrier have been paid or waived by the building official for de minus costs.

~~Section 1609.3 is amended as follows for the purpose of determination of design wind loads in Winter Park:~~

~~Section 1609.3 Basic wind speed. The ultimate design wind speed Vult in miles per hour, for the development of the wind loads shall be determined by Figures 1609.3(1), 1609.3(2) and 1609.3(3). The ultimate design wind speed Vult for use in the design of Risk Category II buildings and structures shall be obtained from Figure 1609.3(1)A. The ultimate design wind speed Vult for use in the design of Risk Category III and IV buildings and structures shall be obtained from Figure 1609.3(2). The ultimate design wind speed Vult for use in the design of~~

~~Risk Category I buildings and structures shall be obtained from Figure 1609.3(3). The ultimate design wind speeds, Vult, determined by the local jurisdiction shall be in accordance with Section 26.5.1 of ASCE 7. The exact location of wind speed lines shall be established by local ordinance using recognized physical landmarks such as major roads, canals, rivers and lake shores wherever possible. For the purpose of complying with the structural requirements related to wind loads, all buildings and structures including one and two family dwellings shall comply with the following ultimate design wind speeds Vult:~~

- ~~1) Risk Category I: 130 mph~~
- ~~2) Risk Category II: 139.9 mph~~
- ~~3) Risk Category III & IV: 150 mph~~

Section 1609.3 is interpreted as follows for the purpose of determination of design wind loads in Winter Park:

1609.3 Ultimate design wind speed. The ultimate design wind speed, Vult, in mph, for the determination of the wind loads shall be determined by Figures 1609.3(1), 1609.3(2), 1609.3(3) and 1609.3(4). The ultimate design wind speed, Vult, for use in the design of Risk Category II buildings and structures shall be obtained from Figure 1609.3(1). The ultimate design wind speed, Vult, for use in the design of Risk Category III buildings and structures shall be obtained from Figure 1609.3(2). The ultimate design wind speed, Vult, for use in the design of Risk Category IV buildings and structures shall be obtained from Figure 1609.3(3). The ultimate design wind speed, Vult, for use in the design of Risk Category I buildings and structures shall be obtained from Figure 1609.3(4). The ultimate design wind speed, Vult, for the special wind regions indicated near mountainous terrain and near gorges shall be in accordance with local jurisdiction requirements. The ultimate design wind speeds, Vult, determined by the local jurisdiction shall be in accordance with Chapter 26 of ASCE 7. The exact location of wind speed lines shall be established by local ordinance using recognized physical landmarks such as major roads, canals, rivers and lake shores wherever possible. For the purpose of complying with the structural requirements related to wind loads, all buildings and structures including one and two family dwellings shall comply with the following ultimate design wind speeds Vult:

- 4) Risk Category I: 130 mph
- 5) Risk Category II: 139.9 mph
- 6) Risk Category III & IV: 150 mph

As indicated in Figures 1609.3(1), (2) & (3) linear interpolation between wind contour lines is permitted.

This wind speed determination provided herein is an administrative amendment to the Florida Building Code for the purpose of giving guidance to designers and to provide uniformity with neighboring jurisdictions, and is not a local technical amendment or change in the published Florida Building Code wind load criteria.

Technical amendments to the Florida Building Code:

26
Ordinance No. _____

***[NOTE]** Technical amendments not provided in the next edition of the Florida Building Code must be re-adopted by the local jurisdiction in order to remain valid and enforceable.

Florida Building Code, Building Volume

Section 903.2.13 shall be added as follows:

903 Automatic sprinklers systems. Approved automatic sprinkler systems installed in buildings shall comply with Section 903 of the Florida Building Code and in addition shall meet the following provisions:

903.1 Where required

903.2.13 Approved automatic sprinkler systems shall be provided in all buildings in the Commercial (C-2) zoning district as defined in the Land Development Code (Chapter 58) on properties bounded by New York Avenue (on the west), Swoope Avenue (on the east), Knowles Avenue (on the east) and Fairbanks Avenue (on the south).

Section 3. Article V, "Property and Building Maintenance," Chapter 22 of the Code of Ordinances of the City of Winter Park is hereby amended and to read as follows:

Sec. 22-176. Code adopted. The International Property Maintenance Code, ~~2018~~ 2021 edition, as published by International Code Council, Inc., is hereby adopted by reference, together with modifications and amendments contained in this article, and shall be known as the property and building maintenance code of the city. All references within the International Property Maintenance Code to the International Code(s) shall refer to the applicable Florida Building Code(s).

Sec. 22-177 Amendments

The International Property Maintenance Code, ~~2018~~ 2021 edition, is hereby amended in the following respects:

General: All references to the International Building, Plumbing, Mechanical, Fuel Gas, Fire, Electrical and Zoning Codes shall mean the respective building, residential, plumbing, mechanical, gas, fire, and electrical codes as incorporated into the Florida Building Codes and Florida Fire Prevention Code and zoning codes of the city along with amendments adopted herein.

Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the property and building maintenance code of Winter Park, hereinafter referred to as "this code."

Section 103 is ~~deleted~~. Is amended as follows"

103.1 The Division of Safety and Compliance shall function as the agency to implement, administer and enforce the provisions of this code.

Section ~~105.3~~ 106.3 is amended as follows:

~~105.3~~ 106.3 Required testing and assessments. Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *code official* shall have the authority to require tests or assessments to be made as evidence of compliance at no expense to the City. Required assessments include and are not limited to mold assessment by a mold assessor licensed by the State.

Section 106.6 7 is added to read as follows:

106.6 7 Codes and ordinances enforced. The provisions of this article are an additional and supplemental means of enforcing city codes and ordinances and may be used for the enforcement of this article. Nothing contained in this article shall prohibit the city from enforcing its codes and ordinances by any other means.

Section 108.1.1 is amended to read as follows:

108.1.1 Unsafe structures. An unsafe structure is one that is found to be a nuisance or dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Sections 108.8 and 108.9 are added as follows:

108. 8 Public nuisances. Public nuisances are defined in Section 202 "General Definitions" under "nuisance". When nuisance conditions or hazards degenerate or cumulatively impact on structures, dwellings, or other buildings regulated by this code, to the extent that repair, removal, securing or demolition is necessary for the public health, safety and welfare, then the building official or his designee or the code enforcement compliance board is authorized to order the property owner or city agents to repair, remove, secure, vacate or demolish such structures according to procedures outlined in this code. These powers are hereby declared to be remedial and essential for the public interest, and it is intended that such powers be liberally construed to effectuate the purposes stated herein.

108. 9 Vacant buildings. No vacant building may be boarded up for a period of time exceeding 60 days unless granted a waiver by the building official. All vacant buildings or buildings permitted to be boarded up shall be maintained in accordance with section 22-177(304.6). "Exterior walls" and all boards used to enclose the building must be neatly fitted within window and door openings and must be painted to blend in with the rest of the building.

Section 110.1 is amended to read as follows:

110.1 Unsafe buildings or structures. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and

remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than 90 days, to demolish and remove such structure; or where a nuisance exists, the code official shall order the owner of the premises to correct or remove conditions causing the nuisance. The existence of a nuisance shall constitute a violation of this code.

Section 111 (including subsections 111.1 through 111.8 inclusive) is amended to read as follows:

Applications for appeals from the enforcement of provisions of this code shall be heard by the construction board of adjustments and appeals under the criteria and guidelines addressed in the building code of the city, as adopted in this article.

Section 202. General definitions are amended by adding or altering the following definitions:

[Note: See Definitions in International Property Maintenance Code Chapter 2]

Nuisance. The following shall be defined as nuisances: It is a public nuisance for any person owning, leasing, occupying or having charge of any premises in this city to maintain, or permit to exist, such premises in such manner that any one or more of the following conditions are to exist thereon:

- (1) Any public nuisance known at common law or in equity jurisprudence.
- (2) Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.
- (3) Whatever is dangerous to human life or is detrimental to health, as determined by the Orange County Environmental Health Department or the code official.
- (4) Overcrowding a room with occupants.
- (5) Insufficient ventilation or illumination.
- (6) Inadequate or unsanitary sewage or plumbing facilities.
- (7) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the Orange County Health Department or the code official.
- (8) Any place or premises which have been used on more than two occasions as the site of the unlawful sale or delivery of controlled substances.
- (9) Any building or premises declared to be a public nuisance by the nuisance abatement board.

- (10) Land, the topography, geology or configuration of which, whether in natural state or as a result of grading operations, excavation or fill, causes erosion, subsidence or surface water drainage problems of such magnitude as to be injurious or potentially injurious to the public health, safety and welfare or to adjacent properties.
- (11) Buildings which are abandoned for a period of six months, or permitted to remain unreasonably in a state of partial destruction for a period of four months without a building permit having been obtained and substantial construction performed, or permitted to remain unreasonably in a state of partial construction without substantial construction being performed. Substantial construction shall mean construction sufficiently noticeable to the public to give notice of ongoing construction work.
- (12) The failure to close, by such means as are acceptable to the code official, all doorways, windows and other openings into vacant structures.
- (13) Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief.
- (14) Vegetation, including dry grass, dead shrubs, dead trees, combustible refuse and waste, or any material growing upon the area between the traveled way and the property line, sidewalks or upon private property which by reason of size, manner of growth and location would create any one or more of the following:
 - a. A condition likely to constitute a fire hazard to any building, improvement or other property, or when dry will in reasonable probability constitute a fire hazard;
 - b. A condition likely to harbor rats, vermin or other similar creatures constituting a health hazard; or
 - c. Causes appreciable harm or material detriment to the aesthetic and/or property values of surrounding property.
 - d. Creates a safety hazard due to slipping or tripping on sidewalks or similar surfaces.
- (15) Dead, decayed, diseased or hazardous trees, weeds and other vegetation:
 - a. Dangerous to public safety and welfare; or
 - b. Causing appreciable harm or material detriment to the aesthetic and/or property values of surrounding property.
- (16) The accumulation and storage on any premises for more than 10 days of abandoned, wrecked, dismantled or inoperative automobiles, trailers, campers, boats, other mobile equipment, or major part thereof within the view of persons on public or other property adjacent to the premises.

- (17) Attractive nuisances dangerous to children in the form of:
- a. Abandoned and broken equipment; or
 - b. Unprotected and/or hazardous pools, ponds and excavation; or
 - c. Neglected machinery.
- (18) Waste on the premises *in open view or can be seen from an adjacent property*, which by reason of its location is unsightly and interferes with the reasonable enjoyment of property by neighbors, detrimentally affects property values in the surrounding neighborhood or community or which would materially hamper or interfere with the suppression of fire upon the premises or adjacent premises and which is visible from public property or from neighboring properties for a period of time in excess of ten days. "Waste" is defined for the purpose of this section as unused or discarded matter and material which consists (without limitation or exclusion by enumeration) of such matter and material as rubbish and refuse and matter of any kind including, but not limited to, rubble, debris, asphalt, concrete, plaster, tile, rocks, bricks, soil, building materials, crates, cartons, containers, boxes, furniture and household equipment or parts thereof, lumber, trash, dirt, machinery or parts thereof, scrap metal and pieces of metal, ferrous or nonferrous, bottles, bedding, etc.
- (19) The accumulation of dirt, litter or debris in vestibules, doorways or the adjoining sidewalks of commercial or industrial buildings.
- (20) The maintenance of signs and/or sign structures relating to uses no longer conducted or products no longer sold on vacant commercial, office, industrial or institutional buildings more than 45 days after such building becomes vacant.
- (21) The maintenance of any structure in a defective, unsightly, deteriorated and unrepaired condition, which is viewable from a public right-of-way or viewable from the sites of neighboring properties, where such condition would cause appreciable harm or material detriment to the aesthetic and/or property values of surrounding properties.
- (22) The substantial lack of maintenance of grounds including but not limited to dead grass, lack of sod or surface coverings on which structures exist, where the grounds are viewable from a public right-of-way or viewable from the sites of neighboring properties, where such condition would cause appreciable harm or material detriment to the aesthetic and/or property values of surrounding properties.

Section 302 shall be amended to read as follows:

302.1 Sanitation and storage of materials. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. It shall be unlawful for any person to permit any old, broken lumber, rusted or unused equipment, discarded refrigerators, stoves, old pipe or other used, discarded and worn, unsightly articles or materials to remain in any

yard or open area owned, occupied or in the possession of such person for a period of more than five days.

It shall be unlawful for the owner or occupant of a building, structure or property to utilize the premises of such property for the open storage of any abandoned motor vehicle, icebox, refrigerator, stove, glass, building material building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc., upon notice from the code official.

Section 302.4 shall be amended as follow:

302.4. Weeds and overgrowth.

302.4.1 Clearing overgrowth. The owner or the agent of such owner or occupant of any lot, place or area within the city shall not permit any trash, rubbish or noxious matter to remain lying on such lot, place or area or upon any sidewalk or street right-of-way abutting the lot, place or area. Upon sidewalks, noxious matter shall include accumulations of sand, leaves, algae growth, slippery conditions, food or food residue, and vegetation. Likewise, such owner, his agent and the occupant shall not permit any weeds or grass to grow to a height exceeding 12 inches upon any portion of such lot, place or area or upon any sidewalk, over street curbs or street right-of-way abutting such lot, place or area. For land being used for a bona fide commercial agricultural purpose, the limitation on the height of grass or weeds shall only apply to the first 20 feet of such lands abutting a public street or adjacent developed property. The limitation on the height of grass or weeds shall not apply to undeveloped wild land that remains in a natural state unless determined to be a fire hazard or other health hazard as determined by the code official.

302.4.2 Notice. The city shall notify in writing the owner of any lot, place or area within the city or the agent of such owner or the occupant to cut, destroy or remove any weeds, grass, trash, rubbish or noxious matter found growing, lying or located on such owner or occupant's property or upon the sidewalk or street right-of-way abutting the property and that, upon the failure of the owner or agent or occupant to do so. The city will cause such weeds, grass, rubbish or noxious matter to be cut, destroyed or removed. Such notice shall be by certified mail, addressed to the owner or agent of the owner or occupant, at his last known address, or by hand delivery to the owner or agent of the owner or occupant. In addition a notice may be posted on the property upon which the violation is alleged to exist and at the primary municipal government office, and proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date, and the place of its posting. Notice by posting may run concurrently with, or may follow an attempt or attempts to provide notice by hand delivery or by mail, as required by this subsection.

302.4.3 Clearing by city. Upon failure, neglect or refusal of any owner, agent or occupant notified as provided in this article to cut, destroy or remove weeds, grass, trash, rubbish or noxious matter growing, lying or located upon such owner or occupant's property or upon the sidewalk or street right-of-way abutting property, within five days of posting the property as provided for in this article, or within five days upon receipt of the written notice provided for in this article or within five days after the date of such notice, if the notice is returned to the city because of the inability of the post office to make delivery thereof, provided the notice was properly addressed to the last known address of such owner, agent or occupant, the city may, in addition to any other penalties provided

for in this Code, pay for the cutting, destroying or removing of such weeds, grass, trash, rubbish or noxious matter or effect the removal by the city.

302.4.4 Charges. When the city has affected the removal of obnoxious growth or has paid for its removal the actual cost thereof, including administrative costs, plus accrued interest at the rate of twelve percent per annum beginning 30 days after completion of the work, shall be charged to the owner or occupant of such property.

302.4.5 Lien. Where the full amount due the city is not paid by such owner or occupant within 30 days after the cutting, destroying or removal of weeds, grass, trash, rubbish or noxious matter as set forth in sections 302.4.3 and 302.4.4, such charges are declared a lien upon the property and the provisions of sections 102-135 shall apply.

Section 302.8 shall be amended to read as follows:

302.8 Abandoned and disabled motor vehicles.

302.8.1 Definitions:

Abandoned motor vehicle means any motor-driven vehicle, regardless of size, which is left unattended for a period exceeding 48 hours.

Disabled motor vehicle means any motor-driven vehicle, regardless of size, which is incapable of being self-propelled upon the public streets of the city or which does not meet the requirements for operation upon the public streets of the city, including a current motor vehicle license.

A motor vehicle shall be considered abandoned or disabled if it is in a state of evident disuse, neglect or abandonment. Evidence of disuse, neglect or abandonment may include, without limitation, factors such as: the vehicle being wrecked or inoperative; the vehicle being partially dismantled, having no engine, transmission, or other major or necessary parts; the vehicle having no valid license tag; there being vegetation underneath the vehicle as high as the vehicle body or frame; there being refuse or debris collected under the vehicle; the vehicle being used solely for storage purposes; or the vehicle being in any physical state rendering it inoperable or unsightly to the neighborhood.

302.8.2 Responsibility and liability. It shall be the joint and several responsibility of both the property owner upon whose property a disabled or abandoned motor vehicle is located and the owner of such vehicle to meet the requirements of this article, and the property owner and vehicle owner shall both be subject to any and all penalties for violations hereof. The property owner and vehicle owner shall jointly and severally be liable to the city for the payment of any unrecovered expenses incurred by the city in the removal and disposition of motor vehicles. If the expenses are not paid upon demand, a lien shall be placed upon the property and the vehicle for the amount of such expenses and costs.

302.8.3 Enforcement. It shall be the duty of the police department to enforce this article for disabled or abandoned motor vehicles within the public right-of-way or on public property. The safety and code compliance section of the fire-rescue department division shall enforce provisions

of this article relating to disabled vehicles on private property and property maintenance provisions of this Chapter.

302.8.4 Notice of violation.

302.8.4.1 When a disabled motor vehicle is found to be in violation of this article, a code inspector or a police officer shall give the owner on whose property the disabled motor vehicle is located a notice that the vehicle is in violation of this article and must be removed within ten days. This notice shall be in writing and shall state the date on which the ten days' notice shall expire and shall further state that if the notice has not been complied with and the disabled motor vehicle removed within such ten calendar days that enforcement of this article will ensue. Should the owner of the property upon which the disabled motor vehicle is located not be an occupant or not in possession of this property, in addition to such notice to the owner, the notice shall be served upon the occupant or person in possession of the property. The code inspector or police officer shall make every reasonable attempt to ascertain the owner of the vehicle, and shall notify any such vehicle owner so identified within either reasonable notice delivered by mail or personal service at any known business or residential address of such owner.

302.8.4.2 Within the ten calendar day period specified in the notice, the owner of the vehicle or the owner of the property or an authorized agent may appeal to the director of code enforcement or his designee. The director of code enforcement or his designee shall determine the validity of the violation and may for good cause extend the time for compliance or removal. If such an appeal is made, no removal shall be required until after the appeal has been finally determined, unless the removal is required under 98-191.

302.8.4.3 If no appeal is submitted in writing to the office of Code Compliance is made and the abandoned or disabled vehicle remains in violation after the ten calendar-day period, the city shall cause such vehicle on private property to be removed to a storage facility approved by the city and thereafter disposed of in accordance with applicable state law or city ordinance.

302.8.4.4 Notwithstanding any of the foregoing, all abandoned motor vehicles which are located on public property shall be towed and disposed of in accordance with the notice, sale and disposition requirements of F.S. ch. 705, as revised or amended from time to time.

302.8.5 Disposal of vehicles; entrance upon private property. The city is authorized to enter upon private property for the purpose of seizing and taking into possession any abandoned or disabled vehicle.

302.8.6 Removal. The city is authorized to provide for the immediate removal of any abandoned or disabled motor vehicle to a garage or other place of safety, the cost of such removal to be a lien against the motor vehicle, when the abandoned or disabled vehicle is found unattended upon a bridge or causeway or in any tunnel or on any public highway or street or public parking lot in the following instances:

302.8.6.1 Where such vehicle constitutes an obstruction of traffic; or

302.8.6.2 Where such vehicle has been parked or stored on the public right-of-way or city property for a period exceeding 48 hours.

Section 302.10 shall be added shall read as follows:

302.10 Shrubs, hedges and trees obstructing visibility at intersections.

Shrubs, hedges, trees or plantings shall be kept trimmed so that the visibility for motor vehicle drivers is not obstructed at street intersections and points of ingress and egress to the public right-of-way. Where shrubs, hedges, trees or plantings are not kept so trimmed, in addition to any other penalties provided for in this code, the city may, after notice to the property owner responsible for such violation, enter upon the property where such violation is taking place and cut and trim the hedges or plantings, which are causing such violation to be reduced to a height of 2½ feet above the street curb elevation or cut tree limbs to a height of eight feet above the curb or sidewalk and upon performing such labor may bill the property owner for the actual cost thereof. Shrubs, trees and other vegetation which extend into the public right-of-way, and obstruct visibility at street intersections and points of ingress and egress to the public right-of-way or over hang the sidewalk obstructing pedestrian travel may be cut or trimmed by the city in accordance with the above referenced specifications after providing a 24-hour notice by placing such notice on the door of the abutting dwelling or business or by hand delivery to the occupant of the dwelling or business in order to provide for the public safety. This provision does not limit or prevent the city from taking immediate action to clear any hazardous or unsafe conditions created by trees or vegetation in the public right-of-way.

Amend Section 304.3 to read as follows:

304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property, in accordance with Article VII, Numbering of Buildings, of this Chapter.

Amend Section 304.6 to read as follows:

304.6. Exterior walls.

Every exterior wall shall be free of holes, breaks, loose or rotting boards or timber, *chipped paint, decaying substance conditions* and any other conditions which might admit rain, or dampness to the interior portions of the walls or to the occupied spaces of the building. All siding material shall be kept in repair. All exterior surfacing material shall be painted or properly surface coated (except brick, stone or other natural material which does not require the application of a weatherproofing substance) and in good repair after scraping and removing any loose paint or surfacing material.

Amend Section 304.14 to read as follows:

304.14 Insect screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans are employed.

Section 304.20 is added as follows:

304.20. Skirting around foundations. Latticework or similar approved material must be installed along continuous openings on the outside perimeter of buildings with floors elevated above the ground and where more than twelve (12) inches of vertical opening area exists from the ground to the building wall. The installation must be performed in an approved aesthetic manner in accordance with typical construction methods in practice.

Amend Section 404.3 to read as follows:

404.3 Minimum ceiling heights. Occupiable rooms and habitable spaces shall have a ceiling height of not less than seven feet, six inches (2286 mm). Corridors, bathrooms, toilet rooms, kitchens, storage rooms and laundry rooms shall be permitted to have a ceiling height of not less than seven feet (2134 mm).

Amend Section 602 to read as follows:

602 HEATING FACILITIES.

602.1 Occupiable rooms and habitable spaces (including every dwelling unit) shall have heating facilities which are properly installed, are maintained in safe and good working conditions, and are capable of safely and adequately heating all habitable rooms and bathrooms.

602.2 Every dwelling unit shall have heating facilities which are properly installed, are maintained in safe and good working conditions, and are capable of safely and adequately heating all habitable rooms and bathrooms.

602.3 Gas heaters listed for unvented use shall be permitted provided the total input rating of the heaters is less than 30 Btu per hour per cu ft (312 W/m³) of room content. Such heaters shall be prohibited in bedrooms.

602.4 The use of any liquid fueled unvented heating appliance shall be prohibited in any enclosed occupied structure within the city. Liquid fueled unvented heating appliances may be used as a temporary measure on construction sites and open well-ventilated work sites when they pose no hazard of ignition or explosion. Such devices must be tested and listed by an approved laboratory according to the requirements of UL647 (1984) and the fuel must be stored in containers meeting ASTM ES-8 for kerosene heaters.

602.5 Any metal flue pipe that has been connected to a wood heating appliance that has experienced a flue fire shall be replaced unless otherwise specified by the manufacturer's instructions.

602.6 Any metal (pre-fabricated) fire place unit that has experienced a chimney fire shall be replaced unless otherwise specified by the manufacturer's instructions.

Section 3. Codification. It is the intention of the City Commission of the City of Winter Park that the provisions of Section 2 of this Ordinance shall become and be made a part of the Code of Ordinances of the City. That all sections, subsections, paragraphs, and subparagraphs of this Ordinance may be numbered, renumbered, lettered, relettered, labeled or relabeled and the word "ordinance" may be changed to "chapter," "section," "article," or such other appropriate word or phrase in order to accomplish such intentions. The foregoing modifications along with correction of typographical errors, which do not affect the intent or meaning may be authorized and made by the city manager, without need of public hearing, by filing a corrected or recodified copy of same with the city clerk.

Section 4. Conflicts. In the event of a conflict between this Ordinance and any other ordinance of the City of Winter Park or part thereof, this Ordinance shall control to the extent of the conflict.

Section 5. Severability. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 6. Transmittal. This Ordinance enacting amendments to the Florida Building Code shall be transmitted to the Florida Building Commission within 30 days.

Section 7. Effective Date. Once adopted, this Ordinance shall not become effective until 30 days after this Ordinance has been received by and the amendments set forth in Section 2 of this Ordinance are published by the Florida Building Commission.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the ____ day of January, 2021.

Mayor Steve Leary

Attest _____
City Clerk Rene Cranis

37
Ordinance No. _____



Construction Board of Adjustments & Appeals Minutes

November 13, 2020 at 10 a.m.

Hybrid Meeting

DRAFT

Opening Comments

John Page, Chairman, welcomed Board members back. George Wiggins, Director of Bldg/Permitting, explained the purpose for this Board which includes reviewing and approving a recommendation concerning updated administrative and technical amendments to upcoming 7th Edition of the Florida Building Code to be adopted by local ordinance as part of the 3 year update cycle for Florida's Building Code. In addition, includes the review and recommendations concerning the EV Vehicle ordinance.

Present

John Page, (Chair), Frank Gay (Vice Chair), Tony Apfelbeck, Bill Maroon, and Bruce Thomas attended in person in Commission Chambers. Susan Pendergraft and Frank Pruitt attended virtually. Staff members present: George Wiggins, Director of Bldg/Permitting; Kris Stenger, Asst. Bldg/Permitting Director; Vanessa Balta, Sustainability Planner; Dan Langley, Assistant City Attorney; and Bella Ortiz, Recording Secretary. Joe Territo, Electrical Contractor and Thomas Moses, representative of BOMA Orlando spoke concerning issues relating to the EV Readiness Ordinance.

Meeting called to order

Approval of minutes

Motion made by Tony Apfelbeck to approve October 21st, 2020 minutes. Motion seconded by William Maroon. The minutes were unanimously approved (7-0).

New Business

George Wiggins introduced finalizing the update to the building code ordinance relating to the 7th edition of the Florida Building Code. 2021 Edition of the International Property Maintenance Code including technical amendment requiring fire sprinklers and the EV vehicle ordinance.

SUMMARY OF WINTER PARK BUILDING CODE ADMINISTRATIVE
AND TECHNICAL AMENDMENTS to 7th EDITION OF FLORIDA
BUILDING CODE & INTERNATIONAL PROPERTY
MAINTENANCE CODE

1. Florida Building Code 7th Edition is based on the 2018 International Building Code & Residential Codes with Florida amendments.
2. International Property Maintenance Code is being updated to the 2021 Edition.
3. Updated administrative amendments are substantially unchanged from current provisions with the addition of provisions from the State Building Official's Association draft of recommended updates.
4. Items covered in the administrative amendments include the following:
Department of Safety (defined for WP), Powers & Duties of the Building Official, Revocation of permits & CO, Conditions of permit, Contractor/owner responsibility, Demolition, Submittal Documents, Required inspections, Certificate of Occupancy, Construction Board, Violations, Unsafe building or systems, Definitions, Swimming pool protection during construction, and Determination of Design Wind Speed.
5. Items covered under technical amendments to the Florida Building Code:
Special fire sprinkler requirements in the Central Business District defined by the properties bounded by New York Avenue (on the west), Swoope Avenue (on the east), Knowles Avenue (on the east) and Fairbanks Avenue (on the south).
6. The Property and Building Maintenance Code is updated with minor changes to the text within the 2021 International Property Maintenance Code. The current adopted provisions within the City Code further amends the 2021 Code with the continuation of amendments that expand the definition of "Nuisance" with 22 categories of descriptions. Add property maintenance criteria for overgrowth, addresses abandoned or disabled vehicles and contains special fire safety provisions for heating facilities in homes.

George Wiggins explained that the fire sprinkler technical amendment covered providing an extra margin of fire safety for older downtown buildings and is being carried over from the last code update. This provision has been included for many years since the current version of the Florida Building Code does not require fire sprinklers for all new building or major renovations in our central business district.

Tony Apfelbeck asked to clarify if the EV ordinance was still included in the building code ordinance. George Wiggins explained due to its required scope and type the EV ordinance had been moved to a separate ordinance for approval. John Page further inquired to the reasoning behind providing it as a separate ordinances. In response, Mr. Wiggins explained that there is also a companion Planning Ordinance going before the Planning Board in January, and there is the need to advance the main Building Code Ordinance to the City Commission for the December meeting to coincide with the effective date of the next edition of the Florida Building Code.

John Page suggested the Board approve the local ordinance which recognizes amendments to the 7th edition of the Florida Building Code and incorporates the 2021 Edition of the International Property Maintenance Code along with the technical amendment requiring fire sprinklers downtown. Motion was made by Tony

Apeflbeck incorporating the above referenced ordinance provisions and seconded by Bruce Thomas. The Board approved the motion by unanimous vote (7-0).

George Wiggins introduced the review of the EV charging for Electric vehicle charging stations and electric vehicle readiness requirements for multi-family and non-residential properties. Vanessa Balta, Sustainability Planner, spoke on behalf of the various EV parking options available for multi-family, non-residential, and single-family homes. She explained that for non-residential parking, the terms changed from the last version of the ordinance to 1 EV charging station parking space for every 20 required parking spaces. Both multifamily projects EV readiness will be determined by Planning and Zoning Board and staff at the time of requests for a conditional use permit for these larger developments, on a case by case basis.

Vanessa Balta further explained the differences between EV capable and EV ready. Drawing comparisons to proposed ordinances by Orlando and Orange Counties she elaborated why those jurisdictions are moving forward with their proposals and explained the projections on deterioration of air quality due to the continuing buildup of ozone and other air-born pollutants released from increased numbers of vehicles with gasoline powered engines in dense traffic throughout the metro Orlando area including Winter Park. This is the technical basis for requiring a local technical amendment to the Florida Building Code as found in a Fact Sheet from Orange County Government dated November, 2019 (attached).

Tony Apfelbeck questioned verbiage on multifamily and non-residential. George Wiggins explained the terms and qualifications were matching Planning and Zoning terminology. He explained that they the appropriate Building Code occupancy type will replace those terms in the final ordinance draft. However multifamily requirements for EV readiness will be determined in Planning and Zoning Conditional Permit review process.

George Wiggins continued by explaining that the ordinance asks for 10% parking to be EV ready, explaining this meant the “infrastructure” would need be in place but not necessarily active for developments at the time of completion. However, the provision includes having 1 EV charging station in one parking space for every 20 required spaces.

John Page inquired about how the 10% number was determined. Ms. Balta explained that FL DOT advised that EV growth is expected to be 40% over the upcoming years, so they went with the conservative estimate of 10% for EV readiness which is in addition to the 5% requirement to have charging stations in place when the building parking lot is completed.

Mr. Page continued with inquiry of technological improvement options. (i.e.; fast charging, newest upgrades). Vanessa Balta replied that the verbiage in the amendment was left flexible for this reason.

Mr. Page also asked for information regarding the costs. Ms. Balta clarified the costs to retrofit vs new development. Examples of actual costs were provided to the Board, which were shown to be between \$3,000 to \$7,000 range for Level 2 charging stations, plus additional costs for installation depending the proximity of the parking space. She

also explained that the ordinance does not address whether the property owner chooses to charge a fee for the use of the charging station. She continued explaining that per state law multifamily property owners are required to allow their residents to install additional units based on their need.

William Maroon asked about offering business credit or rebates. Vanessa Balta verified that rebates have been discussed but not fully explored at this point.

Bruce Thomas asked about matching other municipalities and if it makes a difference. Both George Wiggins and Vanessa Balta advised they are attempting to match the criteria that agrees with Planning and Zoning Board. They both stated that the 10% value was lowered from previous meetings ordinance terms and that they feel with utilizing Conditional Use review will help to justify the differences between Winter Park and other municipalities terms.

Mr. Wiggins also advised the board that parking enforcement related to use of the EV parking spaces will be left up to the building or property owner and recommends that the "Exclusive use" provision (Section 2703.2(d)(2) in the ordinance be removed.

Dan Langley, assistant City Attorney was invited to comment on this subject by George Wiggins. Mr. Langley expressed agreement concerning removing the "Exclusive use" provision which pertains to land development as it is not enforceable.

Tony Apfelbeck asked where hotel/motels fit into the parameters. Vanessa Balta replied that Planning and Zoning typically treats them as multifamily. Questioning continued by Tony Apfelbeck, that perhaps it would be easier for non-residential and multifamily units to create a required minimum number or percentage to install. Vanessa Balta replied that installing more than 10% counts towards EV readiness.

Mr. Apfelbeck also raised concerns about residential thresholds. Mr. Wiggins advised that it would be determined by Conditional Use. Dan Langley stated that having percentages for non-residential/residential requirements may not be identical. He also stated that currently not enough information provided in this area and could be addressed in the future.

Mr. Page asked what other groups were involved in consulting on the ordinance. Mr. Wiggins responded that Orange county, Orlando, Orlando BOMA(Building and Manufacturers Association) and other related boards.

Frank Gay posed the question of maintenance of EV Spots. George Wiggins and Vanessa Balta stated that the ordinance has provisions addressing maintenance found on page 5. This ordinance is specific in regard to creating a capacity level and conduits for EV readiness. If necessary, as with other building maintenance matter code compliance could be called upon for a maintenance issue.

Members of the Public:

Thomas Moses, member of Orlando BOMA, called in to speak to commercial uses. He posed questions about employee only parking and the possibility of non-employee uses, and possible liability. George Wiggins and Vanessa Balta stated due to the variety of

platforms it would be up to the property owner as to how they wish to enforce or provide liability protection. The suggestion to utilize trespassing codes was discussed.

Joe Territo, Electrical Contractor, called in as a member of the public to submit his question as to why this was a building issue. He continued that line of thought by positing if an ordinance was necessary. Tony Apfelbeck agreed with this concern and asked if this was already located in land development code why would it be needed for building codes. George Wiggins drew the comparison that this is similar to an electrical fixture permit. Continuing that logic and legality, this was needed to be added as a technical amendment because the electrical code provisions in the National Electrical Code do not require EV charging stations or EV readiness requirements for new building construction. Vanessa Balta concurred and added that this would be in concurrence with both land development codes and other building officials. Mr. Wiggins noted that the land development code does not specify building requirements and likened it to solar power on new buildings but does not mandate it in the Florida Building Code. These new EV readiness provisions will be mandates for new building construction and must meet the criteria required to justify having a local technical amendment.

John Page further inquired about the need for having both Building Code and Land Development Code provisions on this subject. Mr. Wiggins detailed that the Building Ordinance will cover wiring, amperage, breaker sizes and other electrical requirements while the land development covers the number of parking spots required which is a zoning code criteria.

Mr. Apfelbeck made a motion to recommend approval of the language for the EV vehicle readiness Ordinance with the deletion of the exclusive use provision. The motion was seconded by Bruce Thomas and passed by unanimous vote (7-0).

The meeting was adjourned at 5:05pm

Bella Ortiz
Recording Clerk



City Commission **agenda item**

item type Public Hearings	meeting date December 9, 2020
prepared by Allison McGillis	approved by Bronce Stephenson, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Resolution - Designating 1412 Devon Road as historic property on Winter Park Register of Historic Places

motion / recommendation

Staff and Historic Preservation Board recommendation is to approve the Resolution as presented.

background

Donovan Myrie and Ginger Gadsen have voluntarily agreed to designate their home at 1412 Devon Road, built in 1925 on the Winter Park Register of Historic Places. This home at 1412 Devon Road is an example of the Spanish Mission style applied to a residence and for its association with the Land Boom era development of the Orwin Manor neighborhood. The one-story stucco dwelling has a low pitch tile roof in the front of the home and a flat roof section in the rear with a raised parapet characteristic of the Spanish Mission style. A covered front open porch within the tile roof tile roof extension covers a portion of width of the home with arched architectural features at the front door. This one-story home of 2,330 square feet is a three-bedroom, three-bath residence with an oversized two car detached garage in the rear.

The Spanish Mission Style originated in California during the 1880s and 1890s in response to increased interest in that state's colonial Spanish heritage, particularly the ecclesiastical architecture of the Franciscan missions. The style was widely popularized when the Santa Fe and Southern Pacific railroads applied it to railroad stations and hotels throughout their systems. The Mission style became popular in Florida during the Land Boom of the 1920s.

The Spanish Mission style served as a design theme for whole communities and neighborhoods such as Orwin Manor. The Walter Rose Company of Orlando developed Orwin Manor as a subdivision in the 1920s. Many of the original Spanish themed houses

of the subdivision are scattered throughout the neighborhood. The original entry gates to the neighborhood are located at Orange and Clay Avenues share the Mission flavor and they have been designated an Orlando historic landmark. 1412 Devon Road was originally constructed in 1925 as part of the Orwin Manor development, at the same time as the Spanish Mission home at 1366 Devon Road that was designated In August. This home also retains its original architectural integrity and is highly qualified for listing on the Winter Park Register of Historic Places.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Resolution_1412 Devon RD.doc](#)

ATTACHMENTS:

[Application, Map and Notice.pdf](#)

ATTACHMENTS:

[November 11 HPB Draft Minutes.docx](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1412 DEVON ROAD, WINTER PARK, FLORIDA, AS A HISTORIC PROPERTY IN THE WINTER PARK REGISTER OF HISTORIC PLACES

WHEREAS, there are located within the City of Winter Park historic sites, areas, structures, and buildings on individual properties, that serve as reminders of past eras, events, and persons important in local, state and national history; or that provide significant examples of past architectural styles and development patterns and that constitute unique and irreplaceable assets to the City; and

WHEREAS, the City Commission recognizes that the sites and properties of historical, cultural, archaeological, aesthetic and architectural merit contribute to the public health, welfare, economic well being and quality of life of the citizens of Winter Park; and

WHEREAS, the property located at 1412 Devon Road, Winter Park, Florida built in 1925, meets the criteria for historic property status as a classic example of a Spanish Mission style popular during the 1920's land boom and development of Orwin Manor,

NOW, THEREFORE, be it resolved by the City Commission of the City of Winter Park, Florida that:

The City Commission of the City of Winter Park hereby approves the designation of the property located at 1412 Devon Road as a historic property on the Winter Park Register of Historic Places and that consistent with the adopted incentives for historically designated properties, such property shall be eligible for reimbursement/waiver of the cost of undergrounding of the power lines.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this _____ day of _____ 2020.

Mayor Steve Leary

ATTEST:

City Clerk



City of Winter Park
Historic Preservation Commission
Planning and Community Development Department
401 Park Avenue, South
Winter Park, Florida 32789
(407) 599-3498

Historic Designation Application

1. 1412 Devon Road, Winter Park, FL 32789
Building address
- Donovan Myrie & Ginger Gadsden | 1412 Devon Road, Winter Park, FL 32789 | 727-460-2823
Owner's name(s) Address Telephone
- donatatomeyahs.com
Applicant's name (if different from above) Address Telephone
2. I, Donovan Myrie | Ginger Gadsden, as owner of the property described above, do hereby authorize the filing of this application for historic designation for that property.
- [Signature] 5/31/20
Owner's Signature Date

Historic Preservation Commission Office Use

Criteria for Designation

- ☐ A. Association with events that have made a significant contribution to the broad patterns of history including the local pattern of development; or
- ☐ B. Association with the lives of a person or persons significant in our past; or that
- ☐ C. Embodies the distinctive characteristics of a type, period, or method of construction or that represents the work of a master, or that possesses high artistic values or that represents a significant and distinguishable entity whose components may lack individual distinction; or
- ☐ D. Has yielded or are likely to yield information important in prehistory or history.

Legal description Year built

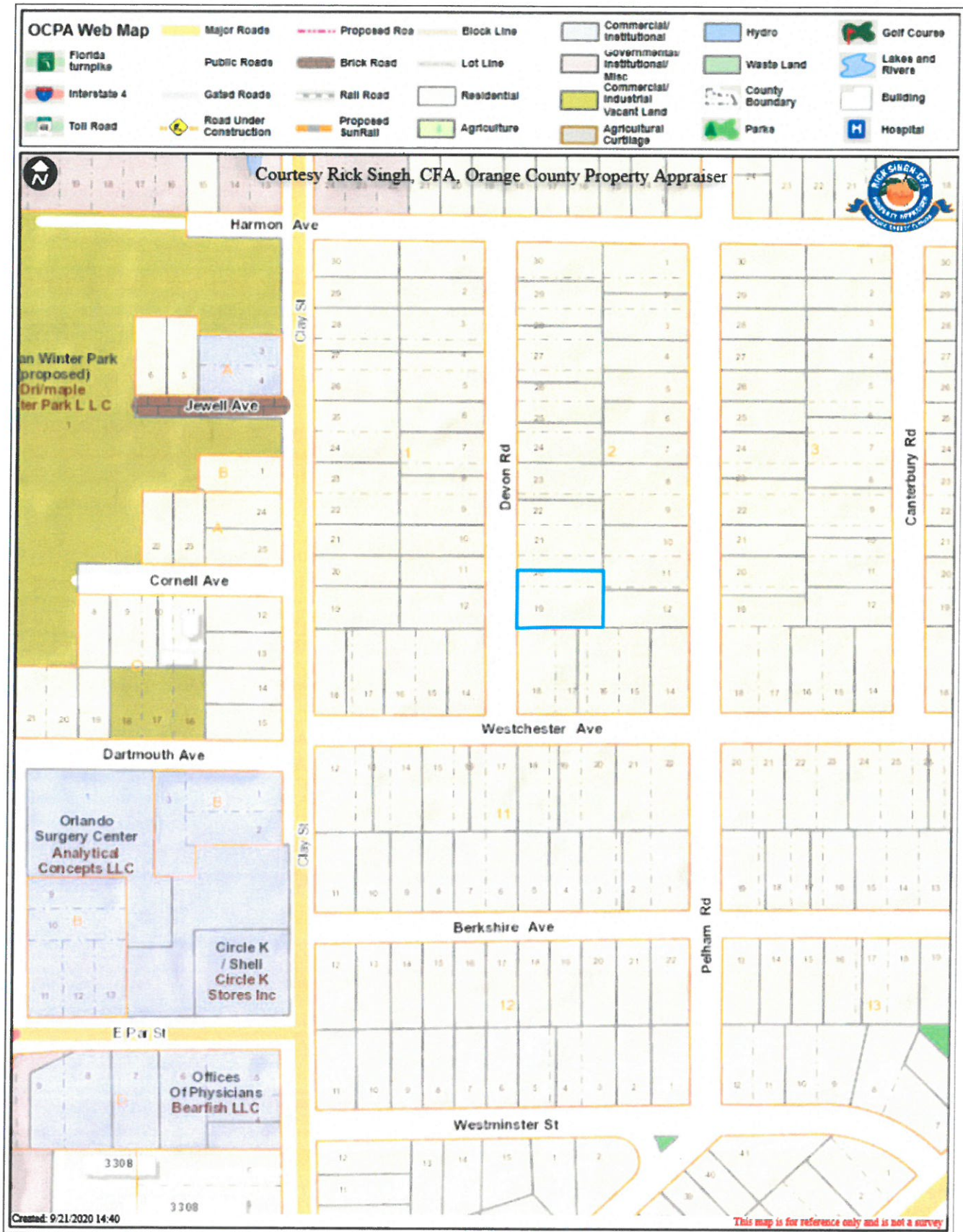
Historic name of building (if any) Historic district name (if any)

Date received: _____ HPC Meeting: _____

Case File No.: _____ Florida Master Site File No.: OR- _____

☐ Local Historic Landmark

☐ Local Historic Resource





CITY OF WINTER PARK
401 Park Avenue, South
Winter Park, Florida 32789

NOTICE IS HEREBY GIVEN that the Winter Park Historic Preservation Board proposes to review and render a decision on the following requests described below on Wednesday, October 14, 2020 at 9:00 a.m. (or soon thereafter as may be called) either at the physical location identified below or by a virtual meeting depending on whether the Governor of the State of Florida extends his executive order allowing local government virtual public meetings during the COVID-19 emergency, which order is currently set to expire on or about October 1, 2020. The physical location of the public hearing will be at Winter Park Community Center, located at 721 W New England Avenue, Winter Park, Florida, if the Governor does not extend his executive order allowing virtual public meetings. If the Governor does extend his executive order allowing virtual public meetings, the public hearing will be held virtually. Please visit the following City's website in the days prior to the scheduled public hearing to determine whether the public hearing will be held at the physical location identified above or virtually.

HDA 20-03 Request of Donovan Myrie and Ginger Gadsen to designate their home at 1412 Devon Road on the Winter Park List of Historic Places, zoned R-1A. ID# 12-22-29-6432-02-190

HDA 20-04 Request of Zane Enterprises to designate the home at 1530 Wilbar Circle on the Winter Park List of Historic Places, zoned R-1A. ID# 32-21-30-4536-03-071

COR 20-01 Request by Rhett and Brooke Delaney to restore the home and construct a two-story addition to the rear of the home and a one-story guest quarters structure on the west side of the property at 1331 Aloma Avenue. The home was built in 1897-1901 and is a previously designated Historic Landmark, zoned R-1AA. ID # 05-22-30-6452-00-191

All interested parties are invited to contact Jeffrey Briggs, via jbriggs@cityofwinterpark.org in order to learn how to participate in a virtual meeting or to provide any emails, comments or questions so that the City can make arrangements for your participation in this virtual meeting and provide your input to the Historic Preservation Board. Additional information is available by calling 407-599-3440 so that citizens may acquaint themselves with the issue and receive answers to any questions they may have prior to the meeting.

NOTE: If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Planning Department at 407-599-3440 at least 48 hours in advance of the meeting.

/s/ Rene Cranis, City Clerk

Publish: Sunday, September 20, 2020 Orlando Sentinel



Historic Preservation Board Minutes

November 11, 2020 at 9:00 a.m.

Virtual | Winter Park, Florida

1. Call to Order

Chairman John Skolfield called the virtual meeting to order at 9:08 a.m. Present: Bob Schwetje, Wade Miller, Anne Sallee, N. Lee Rambeau, Drew Henner and John Skolfield. Staff: Planning Manager, Jeff Briggs and Recording Secretary, Mary Bush.

2. Approval of Minutes

Motion made by N. Lee Rambeau, seconded by Anne Sallee to approve the September 9, 2020 meeting minutes.

Motion carried with a 7-0 vote.

3. Public Hearing Action Items

- HDA 20-03 Request of Donovan Myrie and Ginger Gadsen to designate their home at 1412 Devon Road on the Winter Park List of Historic Places, zoned R-1A. ID# 12-22-29-6432-02-190

Mr. Briggs provided a brief description of the home and mentioned the possible incentives for residents to designate their home on the Winter Park List of Historic Places.

Staff recommendation was for approval.

Applicants Donovan Myrie and Ginger Gadsen of 1412 Devon Road, addressed the Board and commented on the history of their home. The applicants also expressed their gratitude and excitement for the designation.

The Board expressed their approval and appreciation for the applicants choosing to designate their home.

No one was present from the public.

Motion made by N. Lee Rambeau, seconded by Aimee Spencer, to approve the request by Donovan Myrie and Ginger Gadsen to designate the home at 1412 Devon Road on the Winter Park List of Historic Places.

Motion carried with a 7-0 vote.

- HDA 20-04 Request of Zane Enterprises to designate the home at 1530 Wilbar Circle on the Winter Park List of Historic Places, zoned R-1A. ID# 32-21-30-4536-03-071

Mr. Briggs provided background on the incentive regarding the designation of the home. Mr. Briggs explained that a highly qualified 1926 Bungalow historic home exists on the side portion of this property, and a split with the necessary dimensions for the vacant lot and a variance for the historic designated lot can be approved with the requirement that the applicant designate the existing home on the Winter Park List of Historic Places.

Staff recommendation was for approval with the understanding that the final plans come back to the Board for review.

Applicant Zane Williams of 1530 Wilbar Circle, addressed the Board and explained the design elements and intended additions for the existing home and the modern bungalow that will be built next to it.

The Board expressed their approval and inquired about the zoning requirements for and description of the additional bungalow and the intentions for the remodel of the front porch.

No one was present from the public.

Motion made by Drew Henner, seconded by Ann Sallee, to approve the request by Zane Enterprises to designate the home at 1530 Wilbar Circle on the Winter Park List of Historic Places.

Motion carried with a 7-0 vote.

- COR 20-06 Request by Rhett Delaney to restore the home and construct a two-story addition to the rear and a one-story guest quarters structure on the west side of the property at 1331 Aloma Avenue. The home was built in 1897-1901 and is a previously designated Historic Landmark, zoned R-1AA. ID # 05-22-30-6452-00-191

Mr. Briggs provided an overview of the plans that were reviewed and discussed at the Historic Preservation Board meeting on September 9, 2020.

Staff recommendation was for approval.

The Board expressed their approval and inquired about FDOT approval for second curb cut and matches to the siding profile to be used.

No one was present from the public.

Motion made by N. Lee Rambeau, seconded by Aimee Spencer, to restore the home and construct a two-story addition to the rear and a one-story guest quarters structure on the west side of the property at 1331 Aloma Avenue.

Motion carried with a 7-0 vote.

4. Planning Report: None

5. Board Updates and Comments

Mr. Briggs inquired with the Board as to whether or not they would be interested in participating on a non-actionable sub-committee for plan reviews to provide extra guidance and technical support to staff on the review at building permit stage for conformance to the plans approved by the Board. Mr. Skolfield, Mr. Miller, Mr. Henner, and Ms. Spencer volunteered to whatever extent staff would find their participation useful.

Upcoming Meeting Schedule

Next HPB Regular Meeting: Wednesday, November 11, 2020 at 9:00 a.m.

6. Adjourn:

Meeting adjourned at 9:56 a.m.

Respectfully Submitted,

Mary Bush



City Commission **agenda item**

item type Public Hearings	meeting date December 9, 2020
prepared by Bronce Stephenson	approved by Bronce Stephenson, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Request of Benjamin Partners, LTD and the City of Winter Park for:

item list

- Resolution -Third amendment to the amended and restated development order. (Ravaudage)
- Bennett Avenue & Lee Road Construction Agreement

motion / recommendation

Approve the Resolution and approve the Road Construction Agreement

background

At the November 11, 2020 meeting of the Winter Park City Commission, the Transportation Division of the Planning & Transportation Department presented findings and data concerning the design and potential alignments of Bennett Avenue and Lee Road. Language in the multiple versions of previous Development Orders called for the Bennett Avenue to be realigned with Executive Drive, while other areas of the previous Development Orders did not call for the realignment or suggested that it was optional. Transportation Division staff performed an independent evaluation of the potential intersection designs and presented their findings to the City Commission. Transportation Division staff then met with Jim Stroz, the head of FDOT District 5 Operations, and presented the intersection options for FDOT to perform their own independent analysis of the possible alignments. Mr. Stroz and his team performed an analysis and stated that the T-Intersection was their preferred design. So, both Winter Park Transportation Division staff and FDOT, in their independent analyses, found that a signalized T-Intersection where Bennett Avenue meets Lee Road, would be the recommended intersection design. This design, once signalized, will allow for much-needed pedestrian crosswalks and keeps Executive Drive and Gay Road from becoming major cut-through routes, where a recent study showed that excessive speeding already occurs.

At the November 11, 2020 meeting, the Commission voted to select the T-Intersection,

per staff and FDOT recommendation. Therefore, staff is bringing a Third Amended and Restated Development Order for Ravaudage, which contains the approved updates and that also removes a majority of the road alignment language, placing it into the Road Construction Agreement, which has more specific and binding language regarding the selected intersection design, the process for the construction of the intersection and the phasing that will be required, because the signalization is not yet warranted. Additionally, if a change to the language is ever needed, the Commission doesn't have to create yet another Amended and Restated Development Order, staff can bring an updated Construction Agreement to the Commission for consideration. This method is preferred by staff and the City Attorney's office.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

[Ravaudage Resolution December 8 2020 Resolution for Third Amendment to DO.doc](#)

ATTACHMENTS:

[Final - December 2020 Amended DO - Intersection Alignment redline version.docx](#)

ATTACHMENTS:

[4-779.1 FIGURE 5.pdf](#)

ATTACHMENTS:

[Final - Bennett Lee Road Construction Agreement.docx](#)

After Recording Return to:
City of Winter Park
Attn: City Clerk
401 Park Avenue South
Winter Park, Florida 32789

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
WINTER PARK, FLORIDA, APPROVING THE THIRD
AMENDMENT TO THE AMENDED AND RESTATED
DEVELOPMENT ORDER FOR THE RAVAUDAGE
DEVELOPMENT; PROVIDING FOR CONFLICTS,
SEVERABILITY AND EFFECTIVE DATE.**

WHEREAS, Benjamin Partners, Ltd. (Developer), and City of Winter Park previously entered into an Annexation Agreement dated April 9, 2012 and recorded in O.R. Book 10363, Page 1250, et seq, Public Records of Orange County, Florida, concerning property generally located at Lee Road and 17-92 in Winter Park, Florida and known as Ravaudage, in which the parties agreed that Developer's Development Order with Orange County dated May 24, 2011, (the "Original Development Order") would govern the development of Ravaudage with a few modifications, as noted in the Annexation Agreement; and

WHEREAS, the Original Development Order was amended and restated by that certain Amended and Restated Development Order (Ravaudage) approved by City of Winter Park Resolution No. 2148-14 adopted on November 10, 2014, which is recorded at Official Records Book 10938, Page 3602, et. seq., Public Records of Orange County, Florida, as further amended by that certain First Amendment to Amended and Restated Development Order (Ravaudage) approved by City of Winter Park Resolution No. 2188-17 adopted on July 24, 2017, which is recorded at Official Records Document number 20170499479, et. seq., Public Records of Orange County, Florida ("First Amendment to Amended and Restated Development Order"), further amended by that certain Second Amendment to Amended and Restated Development Order (Ravaudage) approved by City of Winter Park Resolution No. 2211-18 adopted on October 23, 2018, which is recorded at Official Records Document number 20180635393, et. seq., Public Records of Orange County, Florida ("Second Amendment to Amended and Restatement Development Order"); and

WHEREAS, the Orange County Code applies to the development of Ravaudage under F.S. §171.062 and under the terms of the Annexation Agreement subject to the terms and conditions of the Amended and Restated Development Order as further amended herein; and

WHEREAS, the Developer and the City staff have requested certain additional amendments to the Amended and Restated Development Order, which have been recommended for approval by the City Commission at their November 11, 2020 meeting, and approved by the City Commission at a public hearing on December 9, 2020, all in accordance

with the procedure required by the Orange County Zoning Code, and those requested amendments are reflected in the attached Second Amendment to the Amended and Restated Development Order; and

WHEREAS, the City finds that these amendments to the Amended and Restated Development Order are consistent with the City of Winter Park and Orange County Comprehensive Plan and the Orange County Zoning Code, and is in the best interests of the citizens of Winter Park.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA:

SECTION 1. APPROVAL. The City Commission of the City of Winter Park hereby approves the Third Amendment to the Amended and Restated Development Order attached hereto as Attachment "A" ("Third Amendment"), and authorizes the Mayor to execute said Third Amendment on behalf of the City.

SECTION 2. SEVERABILITY. If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Resolution.

SECTION 3. CONFLICTS. In the event of conflicts between this Resolution and other resolutions or parts thereof, this Resolution shall control to the extent of the conflict.

SECTION 4. EFFECTIVE DATE. This Resolution shall become effective immediately upon its final passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this _____ day of _____ 2020.

City Commission
City of Winter Park

Mayor Steve Leary

ATTEST:

Rene S. Cranis, City Clerk

Prepared by and Return to:

City Clerk
City of Winter Park
401 S. Park Avenue
Winter Park, FL 32789

Attachment 'A'

**THIRD AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT ORDER
(RAVAUDAGE)**

THIS THIRD AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT ORDER (the "THIRD Amendment") is made and entered into this ____ day of _____, 2020, by and between the **City of Winter Park**, a municipal corporation of the State of Florida (the "City"), 401 Park Avenue South, Winter Park, Florida 32789 and **BENJAMIN PARTNERS, LTD.**, a Florida limited partnership (referred to as "Developer" and "Owner"), P.O. Box 350, Winter Park, FL 32790; **CENTRAL FLORIDA STOCK INVESTORS, LLC**, a Florida corporation, of **P.O. Box 350, Winter Park, FL 32790**; and **GARMET, LTD.**, a Florida limited partnership, of 222 South Pennsylvania Ave., Ste. 200, Winter Park, FL 32789 (excluding the City, the foregoing parties, including the Developer are herein collectively referred to as "Owners").

WHEREAS, the City and Owners (or their predecessors in title) previously entered into that certain Amended and Restated Development Order (Ravaudage) approved by City of Winter Park Resolution No. 2148-14 adopted on November 10, 2014, which is recorded at Official Records Book 10938, Page 3602, et. seq., Public Records of Orange County, Florida, as further amended by that certain First Amendment to Amended and Restated Development Order (Ravaudage) approved by City of Winter Park Resolution No. 2188-17 adopted on July 24, 2017, which is recorded at Official Records Document number 20170499479, et. seq., Public Records of Orange County, Florida, as further amended by that certain Second Amendment to Amended and Restated Development Order (Ravaudage) approved by City of Winter Park Resolution No. 2211-18 adopted on October 22, 2018, which is recorded at Official Records Document number 20180635392, et. seq., Public Records of Orange County, Florida. ("Amended and Restated Development Order"); and

WHEREAS, the City and Owners desire to further amend the Amended and Restated Development Order as set forth in this Third Amendment; and

WHEREAS, the City finds that this Third Amendment is consistent with the City and County Comprehensive Plans, the Orange County Zoning Code, and is in the best interests of the citizens of Winter Park.

NOW, THEREFORE, for and in consideration of the terms and conditions of this Second Amendment, the mutual covenants set forth herein, and for other good and valuable consideration, the City and Owners agree to the following conditions:

1. Recitals. The above recitals are true and correct and form a materials part of this Third Amendment.
2. Amendment. The Amended and Restated Development Order is hereby amended as set forth in the strike-through and underline version of the Amended and Restated Development Order attached hereto as **Attachment "1"** (~~strike-through~~ language are deletions; underlined language is being added).
3. Ratification. All other provisions of the Amended and Restated Development Order, except as modified herein, shall remain in full force in effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed as of the day and year first above written.

Signed, sealed and delivered in the presence of:

CITY OF WINTER PARK, FLORIDA, a municipal corporation of the State of Florida

Name: _____

By: _____
Steve Leary, Mayor

Name: _____

ATTEST:
By: _____
Rene S. Cranis, City Clerk

Date: _____

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by physical presence this ____ day of _____, 2020, by Steve Leary, Mayor of THE CITY OF WINTER PARK, FLORIDA, a municipal corporation, on behalf of the corporation. He (She) ☐ is personally known to me or ☐ has produced _____ as identification.

(NOTARY SEAL)

Notary Public Signature

(Name typed, printed or stamped)

GARMET, LTD., a Florida limited partnership

By: Welbourne Ave. Corp., its General Partner

By: _____
Robert P. Saltsman, President

Date: _____

Name: _____

Name: _____

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by physical presence this ____ day of _____, 2020, by Robert P. Saltsman, President of Welbourne Ave., Corp, a Florida corporation, the General Partner for Garmet Ltd, a Florida limited partnership, who ☐ is personally known to me or ☐ has produced _____ as identification.

(NOTARY SEAL)

Notary Public Signature

(Name typed, printed or stamped)

Central Florida Stock Investors, LLC a Florida corporation

Name: _____

By: _____
Robert Saltsman, Manager

Name: _____

Date: _____

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by physical presence this ____ day of _____, 2020, by Robert Saltsman, Manager, Central Florida Stock Investors, LLC, a Florida corporation, who ☐ is personally known to me or ☐ has produced _____ as identification.

(NOTARY SEAL)

Notary Public Signature

(Name typed, printed or stamped)

BENJAMIN PARTNERS, LTD., a Florida
limited partnership

Name: _____

By: BENNETT AVE. COMPANY, INC., a
Florida corporation, its General Partner

Name: _____

By: _____
Daniel B. Bellows, President

Date: _____

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by physical presence this ____ day of _____, 2020, by Daniel B. Bellows, President, of Bennett Ave. Company, Inc., a Florida corporation, the General Partner of Benjamin Partners, Ltd., a Florida limited partnership, who ☐ is personally known to me or ☐ has produced _____ as identification.

(NOTARY SEAL)

Notary Public Signature

(Name typed, printed or stamped)

**AMENDED AND RESTATED DEVELOPMENT ORDER
(RAVAUDAGE)**

THIS AMENDED AND RESTATED DEVELOPMENT ORDER (the “Amended Order”) is made and entered into this ____ day of December, 2020, by and between the **City of Winter Park, Florida**, a political subdivision of the State of Florida (the “City”), 401 Park Avenue South, Winter Park, Florida 32789 and **BENJAMIN PARTNERS, LTD.**, a Florida limited partnership (referred to as “Developer” and “Owner”), of P.O. Box 350, Winter Park, FL 32790; **CENTRAL FLORIDA STOCK INVESTORS, LLC**, a Florida corporation, of **P.O. Box 350, Winter Park, FL 32790**; and **GARMET, LTD.**, a Florida limited partnership, of 222 South Pennsylvania Ave., Ste. 200, Winter Park, FL 32789 (excluding the City, the foregoing parties, including the Developer are herein collectively referred to as “Owners”).

WITNESSETH:

WHEREAS, the property that is the subject of this Amended Order is generally located at Lee Road and U.S. 17-92 in Winter Park, Florida, and is described in attached Exhibit A (the “Property”), and the development on the Property is known as Ravaudage; and

WHEREAS, the City and Developer previously entered into an Annexation Agreement dated April 19, 2012 and recorded in O.R. Book 10363, Page 1250 et seq, Public Records of Orange County, Florida, and in Section 5, the parties agreed to accept the Developer’s prior Development Order with Orange County dated May 24, 2011, to govern the development of Ravaudage with a few modifications, as noted in the Annexation Agreement; and

WHEREAS, the City agreed to maintain the County Comprehensive Plan designation on the Property, Orange County PD zoning, and pursuant to Fla. Stat. 171.062, to follow the Orange County Subdivision and Zoning Code to regulate development on the Property; and

WHEREAS, the Developer has requested certain amendments to the Original Order, which have been approved by the City’s Development Review Committee at public hearings, and by the City Commission at public hearings, as required by the Orange County Zoning Code, and those amendments are reflected in this Amended Order; and

WHEREAS, the Original Order will continue to govern those parcels which are no longer owned by the Developer, which consist of the parcel at 1251 Lee Road, Winter Park, Florida, with a Parcel ID No. 01-22-29-3712-01-010, the parcel at 1035 N. Orlando Avenue, Winter Park, Florida, with a Parcel ID No. 01-22-29-3712-01-131, the parcel at 1006 Lewis Drive, Winter Park, Florida, with a Parcel ID No. 01-22-29-3712-02-150, the parcel at 1101 Lewis Drive, Winter Park, Florida, with a Parcel ID No. 01-22-29-2712-06-170, and the Amended and Restated Development Order as approved by Resolution No. 2148-14 will continue to govern the parcel at 1060 Lewis Drive, Winter Park, Florida with a Parcel ID No. 01-22-29-3712-07-031; and

WHEREAS, this Amended Order was previously amended by the First and Second Amendments to Amended and Restated Development Order (Ravaudage) approved by City of Winter Park Resolution No. 2188-17 adopted on July 24, 2017, which is recorded at Official Records Document number 20170499479, et. seq., Public Records of Orange County, Florida, and the form of this Amended Order reflects those previous amendments; and

WHEREAS, the City finds that this Third Amended Order is consistent with the City and County Comprehensive Plans, the Orange County Zoning Code, and is in the best interests of the citizens of Winter Park.

NOW, THEREFORE, for and in consideration of the terms and conditions of this Amended Order, the mutual covenants set forth herein, and for other good and valuable consideration, the City and Developer agree to the following conditions:

1. Recitals. The above recitals are true and correct and form a materials part of this Amended Order
2. THE DEVELOPMENT SHALL CONFORM TO THE RAVAUDAGE PD LAND USE PLAN DATED JULY 24, 2017 AND ANY AMENDMENT AND/OR MODIFICATIONS THEREOF AND ATTACHED HERETO AS EXHIBIT B AND SHALL COMPLY WITH ALL APPLICABLE FEDERAL, STATE AND COUNTY LAWS, ORDINANCES AND REGULATIONS, EXCEPT TO THE EXTENT THAT ANY APPLICABLE COUNTY LAWS, ORDINANCES OR REGULATIONS ARE EXPRESSLY WAIVED OR MODIFIED BY ANY OF THESE CONDITIONS, ACCORDINGLY, THE PD MAY BE DEVELOPED IN ACCORDANCE WITH THE USES, DENSITIES AND INTENSITIES DESCRIBED IN SUCH LAND USE PLAN, SUBJECT TO THOSE USES, DENSITIES AND INTENSITIES CONFORMING WITH THE RESTRICTIONS AND REQUIREMENTS FOUND IN THE CONDITIONS OF APPROVAL AND COMPLYING WITH ALL APPLICABLE FEDERAL, STATE AND COUNTY LAWS, ORDINANCE AND REGULATIONS, EXCEPT TO THE EXTENT THAT ANY APPLICABLE COUNTY LAWS, ORDINANCES OR REGULATIONS ARE EXPRESSLY WAIVED OR MODIFIED BY ANY OF THESE CONDITIONS. IF THE DEVELOPMENT IS UNABLE TO ACHIEVE OR OBTAIN DESIRED USES, DENSITIES OR INTENSITIES, THE CITY IS NOT UNDER ANY OBLIGATION TO GRANT ANY WAIVERS OR MODIFICATIONS TO ENABLE THE DEVELOPER TO ACHIEVE OR OBTAIN THOSE DESIRED USES, DENSITIES OR INTENSITIES. IN THE EVENT OF A CONFLICT OR INCONSISTENCY BETWEEN A CONDITION OF APPROVAL OF THIS ZONING AND THE LAND USE PLAN DATED JULY 24, 2017 THE CONDITION OF APPROVAL SHALL CONTROL TO THE EXTENT OF SUCH CONFLICT OR INCONSISTENCY.
3. THIS PROJECT SHALL COMPLY WITH, ADHERE TO, AND NOT DEVIATE FROM OR OTHERWISE CONFLICT WITH ANY VERBAL OR WRITTEN PROMISE OR REPRESENTATION MADE BY THE APPLICANT (OR AUTHORIZED AGENT) TO THE BOARD OF COUNTY COMMISSIONERS AT THE PUBLIC HEARING WHERE THIS DEVELOPMENT WAS APPROVED, WHERE SUCH PROMISE OR REPRESENTATION, WHETHER ORAL OR WRITTEN, WAS RELIED UPON BY THE BOARD IN APPROVING THE DEVELOPMENT, COULD HAVE REASONABLY BEEN EXPECTED TO HAVE BEEN RELIED UPON BY THE BOARD IN APPROVING THE DEVELOPMENT, OR COULD HAVE REASONABLY INDUCED OR OTHERWISE INFLUENCED THE BOARD TO APPROVE THE DEVELOPMENT. FOR PURPOSES OF THIS CONDITION, A “PROMISE” OR “REPRESENTATION” SHALL BE DEEMED TO HAVE BEEN MADE TO THE BOARD BY THE APPLICANT (OR AUTHORIZED AGENT) IF IT WAS EXPRESSLY MADE TO THE BOARD AT A PUBLIC HEARING WHERE THE DEVELOPMENT WAS CONSIDERED OR APPROVED.
4. OUTDOOR SALES, STORAGE, AND DISPLAY SHALL BE ALLOWED TO INCLUDE SPECIAL EVENT SALES, KIOSKS, (TEMPORARY AND PERMANENT) SPECIAL OUTDOOR SALES, FOOD TRUCK EVENTS AND OUTDOOR GARDEN SALES IN CONFORMANCE WITH THE CITY REGULATIONS GOVERNING SUCH EVENTS AND ACTIVITIES.
5. SIGNAGE SHALL COMPLY WITH THE MASTER SIGNAGE PLAN TO BE SUBMITTED AND REVIEWED PRIOR TO DEVELOPMENT PLAN APPROVAL.
6. A WAIVER FROM SECTION 34-209, WHICH REQUIRES A 6-FOOT HIGH MASONRY WALL TO SEPARATE RESIDENTIAL SUBDIVISIONS FROM ADJACENT ROADWAYS, IS GRANTED AS THIS IS AN URBAN TOWN CENTER IN-FILL PROJECT.

7. THE FOLLOWING RELATES TO THE PROJECT BUILDING PROGRAM:

CATEGORY	ENTITLEMENTS
RESIDENTIAL	622 UNITS ¹
COMMERCIAL	565,541 SQUARE FEET
OFFICE	866,255 SQUARE FEET
HOTEL	320 ROOMS

¹ UNIT COUNT REFLECTS 10% LAND USE INCREASE WHICH WAS CALCULATED USING THE EQUIVALENCY MATRIX BY CONVERTING 24,745 SQUARE FEET OF OFFICE ENTITLEMENTS INTO 51 ADDITIONAL RESIDENTIAL UNITS.

- A. MULTI-FAMILY PROJECTS SHALL PROVIDE EITHER AT LEAST 10% OF THE MULTI-FAMILY RESIDENTIAL UNITS BUILT TO BE CERTIFIED AFFORDABLE HOUSING OR PAY A FEE IN LIEU OF THE REQUIREMENT INTO THE CITY'S AFFORDABLE HOUSING TRUST FUND AT \$0.50/SQUARE FOOT FOR THE MULTI-FAMILY SQUARE FOOTAGE OR TO A NON-PROFIT AFFORDABLE HOUSING ENTITY TO PROVIDE FOR USE WITHIN THE CITY, SUBJECT TO APPROVAL BY CITY STAFF.
- B. ASSISTED LIVING/MEMORY CARE FACILITIES ARE PERMITTED WITHIN THE ORANGE COUNTY PD COMMERCIAL/OFFICE LAND USES, AND DEVELOPER MAY UTILIZE OFFICE AND/OR COMMERCIAL ENTITLEMENTS FOR THIS USE.
- C. IF ANY INDIVIDUAL BLOCK LENGTH EXCEEDS 600 FEET, THE BLOCK SHALL INCORPORATE A 20 FOOT PEDESTRIAN WALKWAY THAT INCLUDES A 10 FOOT PAVED CROSSWALK, LANDSCAPING AND LIGHTING. A BLOCK'S OVERALL PERIMETER MAY NOT EXCEED 2,400 FEET, UNLESS INTERRUPTED BY PEDESTRIAN WALKWAYS, LANDSCAPING AND DRIVEWAYS.
- D. MAXIMUM RESIDENTIAL DENSITY IS 14.76 DU/ACRE (BASED ON ACERAGE INCLUDING RIGHT-OF-WAY VACATION) AND MINIMUM RESIDENTIAL FLOOR AREA PER UNIT IS 500 SQUARE FEET UNDER HEAT AND AIR.
- E. MAXIMUM HEIGHTS ARE DETERMINED BY THE MAXIMUM HEIGHT MAP INCLUDED WITHIN EXHIBIT "B".
8. RESERVED.
9. THE FOLLOWING WAIVERS FROM THE BIG BOX DEVELOPMENT STANDARDS ARE GRANTED:
- A. A WAIVER IS GRANTED FROM SECTION 38-1234(3) (F) (2) TO ALLOW BIG BOX DEVELOPMENT ONE (1) STORY AND LESS THAN 200,000 SF SHALL HAVE 5% OPEN SPACE (WITH RESTRICTIONS) WITHIN ITS LOT, IN LIEU OF 25% GIVEN THE URBAN VILLAGE LAYOUT OF THIS PLAN, BIG BOX DEVELOPMENT SHALL PROVIDE WITHIN ITS BUILDING LOT 5% OF THE GROSS AREA FOR OPEN SPACE USES (PLAZAS, POCKET PARKS, GREEN AREAS, ETC.).
- B. A WAIVER IS GRANTED FROM SECTION 38-79 (153) (B) TO ALLOW BIG BOX DEVELOPMENTS TO HAVE MAXIMUM 1.00 FAR IN LIEU OF 0.23 FAR.

- C. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(C) TO ALLOW A DETAILED TRAFFIC STUDY AT THE DEVELOPMENT PLAN STAGE IN LIEU OF PROPOSED BIG BOX DEVELOPMENT APPLICATION AT THE LAND USE PLAN STAGE.
- D. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(E) TO ALLOW BIG BOX DEVELOPMENTS TO DESIGNATE AT LEAST TWO (2) VEHICLE PARKING SPACES FOR LOCAL LAW ENFORCEMENT WITHIN THE APPLICABLE PARKING STRUCTURES IN LIEU OF PROVIDING REFERENCED PARKING SPACES ADJACENT TO THE PRINCIPAL STRUCTURE.
- E. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(G) TO ALLOW OFF- STREET STRUCTURED PARKING SERVICING THE BIG BOX NOT TO BE SUBDIVIDED INTO MULTIPLE “SUB-LOTS” WITH UNINTERRUPTED (EXCEPT AT CROSSWALKS) LANDSCAPED PEDESTRIAN SIDEWALK PATHWAYS IN LIEU OF OFF-STREET SERVICING THE PROJECT SHALL BE SUBDIVIDED INTO MULTIPLE “SUB-LOTS” WITH UNINTERRUPTED (EXCEPT AT CROSSWALKS) LANDSCAPED PEDESTRIAN PATHWAYS.
- F. A WAIVER IS GRANTED FROM SECTION 38-79 (153) (I) TO ALLOW BIG BOX USES WITH OFF-STREET STRUCTURED PARKING SHALL PROVIDE ZERO (0) ROADWAY “STACKING” BEFORE THE FIRST TURN WITHIN THE PARKING STRUCTURE IN LIEU OF 200’ OFF THE ROADWAY BEFORE THE FIRST TURN WITHIN THE PARKING LOT AS LONG AS ACCESS TO THE PARKING STRUCTURE IS FROM AN INTERNAL ROAD AND ACCESS TO THE PARKING STREET IS LOCATED A MINIMUM OF 200’ FROM US 17-92 AND/OR LEE ROAD.
- G. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(K) TO ALLOW NO PAVEMENT OR PART OF ANY VERTICAL STRUCTURE ASSOCIATED WITH THE REAR OR SIDE OF A BIG BOX DEVELOPMENT SHALL BE LOCATED CLOSER THAN 85’ IN LIEU OF 200’ FROM THE NEAREST PROPERTY LINE OF ANY ADJACENT SINGLE-FAMILY RESIDENTIALLY ZONED PROPERTY. ADDITIONALLY, ONE (1) LANDSCAPE SEPARATION BUFFERS SHALL BE PROVIDED WITHIN A 10’ PLANTING STRIP IN LIEU OF TWO (2) AND 200’. THIS WAIVER SHALL APPLY TO THE FOLLOWING PARCELS: 01-22-29-3712- 06-i 00 AND 01-22-29-3712-06-170 WHICH FRONT LEWIS DRIVE.
- H. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(K) TO ALLOW NO PAVEMENT OR PART OF ANY VERTICAL STRUCTURE ASSOCIATED WITH THE REAR OR SIDE OF A BIG BOX DEVELOPMENT SHALL BE LOCATED CLOSER THAN 25’ IN LIEU OF 200’ FROM THE NEAREST PROPERTY LINE OF ANY ADJACENT SINGLE-FAMILY RESIDENTIALLY ZONED PROPERTY. ADDITIONALLY, ONE (1) LANDSCAPE SEPARATION BUFFERS SHALL BE PROVIDED IN LIEU OF TWO (2). A SETBACK OF ZERO (0) (NO BUFFER, WALL OR LANDSCAPE BUFFER) SHALL BE GRANTED WITH PROPERTY OWNER LETTER OF CONSENT. THIS WAIVER SHALL APPLY TO THE FOLLOWING PARCEL ONLY: 01-22-29-3712-06-010.

10. THE FOLLOWING WAIVERS FROM THE PD COMMERCIAL CODE ARE GRANTED:

- A. A WAIVER FROM SECTION 38-1272(A) (1) IS GRANTED TO ALLOW THE MAXIMUM IMPERVIOUS AREA FOR INDIVIDUAL LOTS / DEVELOPMENT PODS SHALL BE 85% IN LIEU OF 70%. THE OVERALL PROJECT SHALL PROVIDE FOR 15% OPEN SPACE (WITH RESTRICTIONS) AND A MASTER STORM WATER SYSTEM.

- B. A WAIVER FROM SECTION 38-1234(3) (C) IS GRANTED TO ALLOW OVERALL PROJECT OPEN SPACE TO BE 15% (WITH RESTRICTIONS) IN LIEU OF 25%, EXCEPT FOR A BIG BOX SITE.
- C. A WAIVER FROM SECTION 38-1272 (A) (3) IS GRANTED TO ALLOW INTERNAL REAR AND SIDE SETBACKS (NOT FRONTING ON RIGHT-OF-WAY) SHALL BE ZERO (0), IN LIEU OF 10'.

WHERE ADJACENT TO PROJECT RESIDENTIAL USES, THE SETBACK SHALL BE ZERO (0) IN LIEU OF 25'.

A MINIMUM 15' BUILDING SETBACK SHALL BE MAINTAINED ALONG BENNETT AVENUE, IN LIEU OF 30' (WITH A MAXIMUM SETBACK OF 25'), WITH THE EXCEPTION OF BLOCK E BETWEEN MORGAN STANLEY AVENUE AND GLENDON PARKWAY SHALL BE PERMITTED A 6' BUILDING SET BACK SO LONG AS A MINIMUM OF A 10' SIDEWALK EXISTS WITH ON STREET PARKING AND THE BUILDING IS LIMITED TO THREE-STORIES IN HEIGHT.

BUILDING SETBACKS FOR ALL INTERIOR/EXTERIOR STREETS SHALL BE A MAXIMUM OF 15' IN LIEU OF 30' WITH A MINIMUM OF ZERO (0') FEET FROM BACK OF SIDEWALK. THIRD AND FOURTH STORIES MUST BE SET BACK ON STREET FRONTAGES EQUAL TO THEIR HEIGHT OF A ONE FOOT SETBACK FOR EACH ONE FOOT HEIGHT OF THE RESPECTIVE THIRD AND FOURTH STORIES. ALL OTHER RIGHTS-OF-WAY SHALL HAVE A MAXIMUM SETBACK OF 10'. NO BUILDING SHALL ENCROACH INTO THE RIGHT-OF-WAY. THIS CONDITION APPLIES TO BUILDINGS WITH A MAXIMUM HEIGHT OF FOUR STORIES.

BUILDING SETBACKS ALONG ARTERIALS (LEE ROAD AND ORLANDO AVENUE - US 17/92) SHALL BE 15' IN LIEU OF 40' (WITH A MAXIMUM SETBACK OF 25'). PD PERIMETER SETBACK IS 15' UNLESS OTHERWISE WAIVED.

- D. A WAIVER FROM SECTION 38-1272 (A) (5) IS GRANTED TO ALLOW A MAXIMUM BUILDING HEIGHT UP TO EIGHT (8) STORIES, (100' PLUS 15' OF ARCHITECTURAL ENHANCEMENTS) AS DETAILED IN EXHIBITS FROM THE LAND USE PLAN LABELED: "SHEET A-2 MAXIMUM HEIGHT ZONES AND SHEET A-5 BUILDING SETBACKS," IN LIEU OF A MAXIMUM HEIGHT OF 50', 35' IF WITHIN 100' OF RESIDENTIAL.
- E. THE DEVELOPMENT SHALL RETAIN FLEXIBILITY TO ALLOW HEIGHT TRANSITIONS THROUGHOUT THE PROJECT TO BE DETERMINED ON THE INDIVIDUAL PROJECT BASIS. EXHIBIT B, AS MODIFIED SHALL BE USED TO ESTABLISH THE HEIGHTS AND NO BUILDING HEIGHT SHALL EXCEED EIGHT (8) STORIES.
- F. NO BUILDING SHALL EXCEED FOUR (4) STORIES IN HEIGHT WITHIN A 200' SETBACK ALONG ORLANDO AVENUE AND LEE ROAD.
- G. IF THE APPLICANT SEEKS TO INCREASE THE HEIGHT OF A BUILDING IN THE DEVELOPMENT, AS REFLECTED ON THE MAXIMUM HEIGHT MAP INCLUDED IN EXHIBIT B, THE APPLICANT MUST PROPOSE TO LOWER THE HEIGHT OF ANOTHER BUILDING IN THE DEVELOPMENT OF THE SAME SCALE AND TO THE SAME EXTENT AS THE BUILDING WITH THE HEIGHT INCREASE. ANY HEIGHT INCREASE MUST BE APPROVED BY THE CITY COMMISSION.

11. THE FOLLOWING WAIVERS FROM PD RESIDENTIAL CODE ARE GRANTED:

- A. A WAIVER IS GRANTED FROM SECTION 38-1254(1) IS GRANTED TO ALLOW BUILDING SETBACKS ALONG THE PD BOUNDARY TO BE A MINIMUM OF 15' IN LIEU OF 25' (WITH A MAXIMUM SETBACK OF 25'); WITH THE EXCEPTION THAT THE PD BOUNDARY BETWEEN THE MAITLAND AND WINTER PARK CITY LIMITS SHALL BE PERMITTED TO BE ZERO ALONG THE SOUTH SIDE OF MONROE AVE AND WITHIN BLOCK K.
- B. A WAIVER IS GRANTED FROM SECTION 38-1254 (2)(C) TO ALLOW BUILDING SETBACKS FROM LEE ROAD AND ORLANDO AVENUE (US 17/92) TO BE A MINIMUM OF 15' IN LIEU OF 50' (WITH A MAXIMUM SETBACK OF 25').
- C. A WAIVER IS GRANTED FROM SECTION 38-1254 (2) (E) TO ALLOW BUILDING SETBACKS FOR ALL INTERIOR/EXTERIOR (ALL OTHER R-O-W'S) STREETS TO BE A MINIMUM OF 0' IN LIEU OF 20' (WITH A MAXIMUM SETBACK OF 25'). THIRD AND FOURTH STORIES MUST BE SET BACK ON STREET FRONTAGES EQUAL TO THEIR HEIGHT OF A ONE FOOT SETBACK FOR EACH ONE FOOT HEIGHT OF THE RESPECTIVE THIRD AND FOURTH STORIES. THE MINIMUM SETBACK OF 0' SHALL APPLY TO BACK OF SIDEWALK WITH A MINIMUM SIDEWALK WIDTH OF 10'. THIS CONDITION APPLIES TO BUILDINGS WITH A MAXIMUM HEIGHT OF FOUR STORIES.
- D. SUBJECT TO REVIEW AND APPROVAL BY THE DEVELOPMENT REVIEW COMMITTEE, ARCHITECTURAL FEATURES (E.G. LOGGIA, COLUMN, AWNING, ARCHES, OR SIMILAR IMPROVEMENTS) WHICH DO NOT IMPEDE VEHICULAR OR PEDESTRIAN TRAVEL, DO NOT CAUSE DANGEROUS CONDITIONS, DO NOT CAUSE UTILITY CONFLICTS OR INTERFERE WITH RIGHT-OF-WAY IMPROVEMENTS MAY BE PERMITTED. ANY PROPOSED RIGHT-OF-WAY ENCROACHMENTS SHALL ALSO BE REVIEWED AND COMMENTED ON BY THE PUBLIC WORKS AND UTILITY DEPARTMENTS AND SHALL BE CONDITIONED UPON THE CITY'S AND DEVELOPER'S (OR APPROPRIATE PROPERTY OWNER'S) EXECUTION OF A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH TERMS ACCEPTABLE TO THE CITY.

12. THE FOLLOWING WAIVERS FOR PARKING FACILITIES ARE GRANTED:

- A. A WAIVER FROM SECTION 38-1230(A) IS GRANTED TO ALLOW PARKING AREAS (STRUCTURED PARKING, AND SURFACE PARKING) MAY BE LOCATED UP TO 350' FROM THE USES THEY SERVE IN LIEU OF PARKING LOCATED WITHIN 150'.
- B. A WAIVER FROM SECTION 38-1477 IS GRANTED TO ALLOW PARKING AREAS (STRUCTURED AND/OR SURFACE PARKING) TO BE LOCATED UP TO 350' FROM THE PRINCIPAL USE ON A SEPARATE LOT IN LIEU OF PARKING PROVISION ON THE SAME LOT (PRINCIPAL USE) OR WITHIN 300' FROM THE PRINCIPAL ENTRANCE AS MEASURED ALONG THE MOST DIRECT PEDESTRIAN ROUTE.

13. THE FOLLOWING WAIVERS FROM SECTION 38-1258 (MULTI-FAMILY COMPATIBILITY) ARE GRANTED:

- A. A WAIVER FROM SECTION 38-1258(A) IS GRANTED TO ALLOW MULTIFAMILY BUILDINGS OF TWO (2) STORIES TO BE LOCATED WITHIN 5' TO 55'; FOUR (4) STORIES TO BE LOCATED BETWEEN 55' AND 80'; AND FIVE (5) TO EIGHT (8) STORY BUILDINGS TO BE LOCATED 80' IN LIEU OF 1 STORY LIMIT WITHIN 100' OF SINGLE-FAMILY ZONED PROPERTY.

- B. A WAIVER FROM SECTION 38-1258(B) IS GRANTED TO ALLOW MULTIFAMILY BUILDINGS OF EIGHT (8) STORIES TO BE LOCATED AT 80' FROM SINGLE-FAMILY ZONED PROPERTY, IN LIEU OF MULTI-FAMILY BUILDINGS LOCATED BETWEEN 100' AND 150' WITH A MAXIMUM OF 50% OF THE BUILDINGS BEING THREE (3) STORIES (NOT TO EXCEED 40') WITH THE REMAINING BUILDINGS BEING 1 OR 2 STORIES IN HEIGHT.
- C. A WAIVER FROM SECTION 38-1258(C) IS GRANTED TO ALLOW MULTIFAMILY BUILDINGS OF EIGHT (8) STORIES AND 100' IN HEIGHT (PLUS 15' FOR ARCHITECTURAL FEATURES, ELEVATOR TOWERS, AND COMMUNICATION ANTENNAE) AT 80' FROM PROPERTY LINE OF SINGLE FAMILY ZONED PROPERTY IN LIEU OF 3 STORIES AND 40' IN HEIGHT AND WITHIN 100' AND 150' OF SINGLE FAMILY-ZONED PROPERTY.
- D. A WAIVER FROM SECTION 38-1258(D) IS GRANTED TO ALLOW MULTIFAMILY BUILDINGS OF EIGHT (8) STORIES AND 100' IN HEIGHT (PLUS 15' FOR ARCHITECTURAL FEATURES, ELEVATOR TOWERS, AND COMMUNICATION ANTENNAE) IN LIEU OF BUILDINGS IN EXCESS OF 3 STORIES AND 40'.
- E. A WAIVER FROM SECTION 38-1258(E) IS GRANTED TO ALLOW PARKING AND OTHER PAVED AREAS OF MULTI-FAMILY DEVELOPMENT TO BE LOCATED 5' FROM ANY SINGLE FAMILY ZONED PROPERTY IN LIEU OF 25'. A 5' LANDSCAPE BUFFER SHALL BE PROVIDED IN LIEU OF 25'.
- F. A WAIVER FROM SECTION 38-1258 (F) IS GRANTED TO ALLOW NO MASONRY, BRICK OR BLOCK WALL TO BE CONSTRUCTED IN LIEU OF A 6' WALL WHENEVER A MULTI-FAMILY DEVELOPMENT IS LOCATED ADJACENT TO SINGLE FAMILY ZONED PROPERTY.
- G. A WAIVER FROM SECTION 38-1258(G) IS GRANTED TO ALLOW DIRECT MULTI-FAMILY ACCESS TO ANY RIGHT-OF-WAY SERVING PLATTED SINGLE FAMILY ZONED PROPERTY IN LIEU OF ACCESS TO ONLY COLLECTOR OR ARTERIAL ROADS.
- H. A WAIVER FROM SECTION 38-1258(I) IS GRANTED TO ALLOW URBAN/PEDESTRIAN FEATURES (SIDEWALKS, STREET FURNITURE, STREET TREES, ETC; REFER TO URBAN FORM: INTERNAL STREET DESIGN ELEMENTS) IN LIEU OF FENCING AND LANDSCAPE WHENEVER A SINGLE FAMILY ZONED PROPERTY IS LOCATED ACROSS THE RIGHT-OF-WAY.
- I. A WAIVER FROM SECTION 38-1258(J) IS GRANTED TO ALLOW A SEPARATION OF ZERO (0) BETWEEN MULTI-FAMILY, OFFICE, COMMERCIAL BUILDINGS (WITHOUT WINDOWS OR OTHER OPENINGS), IN LIEU OF 20' FOR FIRE PROTECTION PURPOSES; AND A SEPARATION OF 10' FOR BUILDINGS WHERE DOORS, WINDOWS AND OTHER OPENINGS IN THE WALL OF A LIVING UNIT BACK UP TO A WALL OF ANOTHER BUILDING WITH SIMILAR OPENINGS, IN LIEU OF A MINIMUM SEPARATION OF 30' FOR 2 STORY BUILDINGS AND 40' FOR 3 STORY BUILDINGS.
- J. A WAIVER FROM SECTION 38-1234(3) (A) (2) IS GRANTED TO ALLOW 15% (WITH RESTRICTIONS) OPEN SPACE IN LIEU OF 25% EXCEPT FOR BIG BOX AREA.

14. THE FOLLOWING WAIVERS FROM CH. 31.5 (SIGNAGE REGULATIONS) ARE GRANTED:

- A. A WAIVER FROM SECTION 31.5-126 (A) IS GRANTED TO ALLOW A NEW 14' X 48' BILLBOARD WITH (LIQUID CRYSTAL DISPLAY) LCD TECHNOLOGY IN A PD IN EXCHANGE FOR THE REMOVAL OF THREE (3) EXISTING 14' X48' BILLBOARDS. THE NEW STRUCTURE BILLBOARD SHALL BE PERMITTED TO BE CONSTRUCTED UPON THE REMOVAL OF EXISTING BILLBOARDS #1 AND #2. THE NEW BILLBOARD SHALL BE LOCATED ON LEE ROAD. BILLBOARD #3 SHALL BE REMOVED WITHIN TWO (3) YEARS OF APPROVAL OF THIS PD.
- B. A WAIVER IS GRANTED FROM SECTION 31.5-126(K)(1) TO ALLOW A BILLBOARD WITH A ZERO FOOT R-O-W SETBACK IN LIEU OF THE REQUIRED 15' FRONT PROPERTY LINE SETBACK.
- C. A WAIVER IS GRANTED FROM SECTION 31.5-126 (H) TO ALLOW 672 (14' X 48') SQUARE FOOT ALLOWABLE COPY AREA IN LIEU OF THE MAXIMUM 400 SQUARE FEET.
- D. A WAIVER IS GRANTED FROM SECTION 31.5-5 TO ALLOW THE BILLBOARD TO ADVERTISE RAVAUDAGE PROJECT DEVELOPMENT ADVERTISEMENTS AND MARKETING MATERIAL ON BILLBOARD #3 UNTIL IT IS REMOVED.

15. SECTION 4 OF THE ANNEXATION AGREEMENT ATTACHED HERETO AS EXHIBIT C SHALL GOVERN.

- A. THE INTERNAL STREET NETWORK SHALL CONSIST OF A STREET GRID SYSTEM THAT IS FLEXIBLE TO ACCOMMODATE AND SUPPORT A VARIETY OF URBAN LAND USES. THE GRID SYSTEM SHALL EMPHASIZE PEDESTRIAN USES AND ACTIVITIES, HUMAN-SCALE STREETS AND BUILDING FACADES.
- B. THE STREET GRID SYSTEM SHALL CONSIST (AT A MINIMUM) OF: TWO (2) NORTH-SOUTH CORRIDORS TO BE LOCATED FROM LEE ROAD TO MONROE AVENUE. BENNETT AVENUE IS TO REMAIN WITH AN ADDITIONAL STREET PARALLEL TO BENNETT AVENUE AND ORLANDO AVENUE AND TWO (2) EAST-WEST CORRIDORS CONNECTING ORLANDO AVENUE AND BENNETT AVENUE. ALL INTERNAL STREETS MAY BE RELOCATED AND RECONFIGURED.
- C. THE PROPOSED LAND USES ARE INTERCHANGEABLE ON ANY BLOCK DUE TO THE UNDERLYING URBAN DEVELOPMENT FRAMEWORK AND GRID SYSTEM.
- D. BENNETT AVENUE SHALL REMAIN A NORTH-SOUTH MAJOR MOBILITY CORRIDOR FROM LEE ROAD TO ITS TERMINUS AT MONROE AVENUE. WHERE BENNETT AVENUE MEETS LEE ROAD, THE DEVELOPER SHALL AT DEVELOPER'S EXPENSE CAUSE TO BE CONSTRUCTED, A T-INTERSECTION, AS DETERMINED TO BE THE PREFERRED INTERSECTION BY FDOT AND THE CITY TRAFFIC ENGINEER. THE INTERSECTION SHALL BE DESIGNED TO BE SIGNALIZED AT A TIME WHEN A WARRANT STUDY IS APPROVED BY FDOT, AND SHALL PROVIDE SAFE PEDESTRIAN CROSSING. BENNETT AVENUE MAY BE REALIGNED TO CONNECT WITH GEM LAKE DRIVE TO THE NORTH.

16. COORDINATION WTH (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX HAS LISTED

AS A PRIORITY IN ITS 2010 TRANSIT DEVELOPMENT PLAN A TRANSFER STATION IN THIS GENERAL LOCATION. (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX ROUTES 1, 9, 14, 102 AND 443 ALL CURRENTLY COMPLETE TRANSFERS AT WEBSTER AVENUE AND DENNING DRIVE ON SURFACE STREETS. THEREFORE, (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX HAS EXPRESSED A DESIRE FOR A DEDICATED SUPER STOP OR TRANSFER FACILITY WITH EASY INGRESS AND EGRESS FOR (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX BUSES WITHIN THE PROJECT SITE. IN ADDITION, (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX IS CURRENTLY CONSIDERING PREMIUM TRANSIT SERVICE (BRT AND/OR EXPRESS BUS SERVICE) ALONG U.S.17/92 (ORLANDO AVENUE). THEREFORE, COORDINATION PRIOR TO APPROVAL OF THE MASTER TRANSPORTATION PLAN AND (PRELIMINARY SUBDIVISION PLAN) PSP OR (DEVELOPMENT PLAN) DP IS REQUIRED TO PROVIDE FOR THE NEEDED SUPER STOP OR TRANSFER STATION AND PEDESTRIAN CONNECTIVITY.

- A. COORDINATION WITH THE MASTER DEVELOPER IS ENCOURAGED TO PROVIDE A BUS TRANSFER STATION STOP WITH PEDESTRIAN ACTIVITY AT SUCH TIME THAT A SUNRAIL STATION IS CONSIDERED AS PART OF THE OVERALL DEVELOPMENT PLAN.
 - B. THE DEVELOPER HAS AGREED TO PROVIDE A BIKE SHARE LOCATION ON THE RAVAUDAGE SITE BY THE COMPLETION OF THE DEVELOPMENT'S SECOND RESIDENTIAL PROJECT.
17. THE SELLING OF ANY PARCEL OF LAND SHALL CARRY THE REQUIREMENT THAT ANY AND ALL REQUIRED IMPROVEMENTS AND ASSOCIATED MITIGATION AS IDENTIFIED FROM THE STUDIES DEFINED IN CONDITION 15 SHALL BE CARRIED FORWARD AS MITIGATION IN PROPORTION TO THE PARCEL(S) IMPACTS AS A PERCENTAGE OF THE TOTAL SITE IMPACTS IDENTIFIED IN THE STUDIES. THE SPECIFIC METHODOLOGY AND PROCEDURE TO CALCULATE THE PERCENTAGE OF PROPORTIONAL IMPACTS SHALL BE DEVELOPED AND AGREED UPON BY ALL PARTIES AS PART OF THE STUDIES CONDUCTED AS THE REQUIREMENTS OF CONDITION 15.
18. THE FOLLOWING EDUCATION CONDITION OF APPROVAL SHALL APPLY:
- C. DEVELOPER SHALL COMPLY WITH ALL PROVISIONS OF THE CAPACITY ENHANCEMENT AGREEMENT ENTERED INTO WITH THE ORANGE COUNTY SCHOOL BOARD AS OF 1/25/2011.
 - D. UPON THE COUNTY'S AND CITY'S RECEIPT OF WRITTEN NOTICE FROM (ORANGE COUNTY PUBLIC SCHOOLS) OCPS THAT THE DEVELOPER IS IN DEFAULT OR BREACH OF THE CAPACITY ENHANCEMENT AGREEMENT, THE CITY SHALL IMMEDIATELY CEASE ISSUING BUILDING PERMITS FOR ANY RESIDENTIAL UNITS IN EXCESS OF THE 204 RESIDENTIAL UNITS ALLOWED PRIOR TO THE ZONING APPROVAL. THE CITY SHALL AGAIN BEGIN ISSUING BUILDING PERMITS UPON (ORANGE COUNTY PUBLIC SCHOOLS) OCPS'S WRITTEN NOTICE TO THE COUNTY AND CITY THAT THE DEVELOPER IS NO LONGER IN BREACH OR DEFAULT OF THE CAPACITY ENHANCEMENT AGREEMENT. THE DEVELOPER AND ITS SUCCESSOR(S) AND/OR ASSIGN(S) UNDER THE CAPACITY ENHANCEMENT AGREEMENT SHALL INDEMNIFY AND HOLD THE COUNTY AND CITY HARMLESS FROM ANY THIRD PARTY CLAIMS, SUITS, OR ACTIONS ARISING AS A RESULT OF THE ACT OF CEASING THE CITY'S ISSUANCE OF RESIDENTIAL BUILDING PERMITS.

- E. DEVELOPER, OR ITS SUCCESSOR(S) AND/OR ASSIGN(S) UNDER THE CAPACITY ENHANCEMENT AGREEMENT, AGREES THAT IT SHALL NOT CLAIM IN ANY FUTURE LITIGATION THAT THE COUNTY'S AND CITY'S ENFORCEMENT OF ANY OF THESE CONDITIONS ARE ILLEGAL, IMPROPER, UNCONSTITUTIONAL, OR A VIOLATION OF DEVELOPER'S RIGHTS.
- F. ORANGE COUNTY AND CITY SHALL BE HELD HARMLESS BY THE DEVELOPER AND ITS SUCCESSOR(S) AND/OR ASSIGN(S) UNDER THE CAPACITY ENHANCEMENT AGREEMENT, IN ANY DISPUTE BETWEEN THE DEVELOPER AND (ORANGE COUNTY PUBLIC SCHOOLS) OCPS OVER ANY INTERPRETATION OR PROVISION OF THE CAPACITY ENHANCEMENT AGREEMENT. AT THE TIME OF (DEVELOPMENT PLAN/PRELIMINARY SUBDIVISION PLAN) DP/PSP, DOCUMENTATION SHALL BE PROVIDED FROM (ORANGE COUNTY PUBLIC SCHOOLS) OCPS THAT THIS PROJECT IS IN COMPLIANCE WITH THE CAPACITY ENHANCEMENT AGREEMENT.

19. THE FOLLOWING CONDITIONS OF APPROVAL WERE COORDINATED WITH ADJACENT JURISDICTIONS:

- A. SEE EXHIBIT C FOR MODIFICATIONS REGARDING TRAFFIC FACILITIES. WHEN THE PROJECT REACHES OR EXCEEDS 151,000 SQUARE FEET, THE DEVELOPER SHALL AT THEIR EXPENSE, COMPLETE A TRAFFIC SIGNAL WARRANT STUDY WITHIN SIX MONTHS OF ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR SAID BUILDINGS AND SEEK FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT APPROVAL FOR THE FIRST TRAFFIC LIGHT. IF THE PROPOSED TRAFFIC SIGNAL MEETS THE WARRANTS AND IS APPROVED BY FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT, THEN THE DEVELOPER SHALL, AT THEIR EXPENSE, INSTALL THE FIRST TRAFFIC LIGHT SUBJECT TO THE (DEPARTMENT OF TRANSPORTATION) DOT PERMIT AND CONDITIONS, IF THE TRAFFIC VOLUMES OR OTHER CONDITIONS DO NOT WARRANT THE FIRST TRAFFIC LIGHT AND IT IS NOT APPROVED BY FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT, THEN THE PROJECT MAY CONTINUE TO PROCEED WITH ADDITIONAL EXPANSIONS BUT THE TRAFFIC SIGNAL WARRANT STUDY SHALL BE UPDATED ANNUALLY, AT DEVELOPER EXPENSE AND DEVELOPER SHALL SEEK FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT APPROVAL. AT THE TIME THEN WHEN THE FIRST TRAFFIC SIGNAL IS APPROVED BY FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT, THE DEVELOPER SHALL THEN, AT THEIR EXPENSE, INSTALL THE FIRST TRAFFIC LIGHT SUBJECT TO (DEPARTMENT OF TRANSPORTATION) DOT PERMIT AND CONDITIONS. WHEN THE PROJECT REACHES OR EXCEEDS 490,000 SQUARE FEET, THE DEVELOPER SHALL AT THEIR EXPENSE, COMPLETE A TRAFFIC SIGNAL WARRANT STUDY WITHIN SIX MONTHS OF ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR SAID BUILDINGS AND SEEK FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT APPROVAL FOR THE SECOND TRAFFIC LIGHT. IF THE SECOND PROPOSED TRAFFIC SIGNAL MEETS THE WARRANTS AND IS APPROVED BY FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT, THEN THE DEVELOPER SHALL, AT THEIR EXPENSE, INSTALL THE SECOND TRAFFIC LIGHT SUBJECT TO THE (DEPARTMENT OF TRANSPORTATION) DOT PERMIT AND CONDITIONS. IF THE TRAFFIC VOLUMES OR OTHER CONDITIONS DO NOT WARRANT THE SECOND TRAFFIC LIGHT AND IT IS NOT APPROVED BY FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT, THEN THE PROJECT MAY CONTINUE TO PROCEED WITH ADDITIONAL EXPANSIONS BUT THE TRAFFIC SIGNAL WARRANT STUDY SHALL BE UPDATED ANNUALLY FOR AT LEAST THREE CONSECUTIVE YEARS THEREAFTER, AT DEVELOPER EXPENSE AND DEVELOPER SHALL SEEK FLORIDA

(DEPARTMENT OF TRANSPORTATION) DOT APPROVAL FOR THE SECOND TRAFFIC LIGHT. AT THE TIME THE SECOND TRAFFIC SIGNAL IS APPROVED BY FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT, THE DEVELOPER SHALL, AT THEIR EXPENSE INSTALL THE SECOND TRAFFIC LIGHT SUBJECT TO (DEPARTMENT OF TRANSPORTATION) DOT PERMIT AND CONDITIONS. FOR BOTH TRAFFIC LIGHTS, THE DEVELOPER, AT THEIR SOLE COST, SHALL BE RESPONSIBLE FOR THE INSTALLATION OF AN ENHANCED MAST ARM SIGNALIZED INTERCONNECTED INTERSECTION, AS WELL AS THE LANEAGE IMPROVEMENTS NECESSARY.

- B. FOR SITE ACCESS PURPOSES, THE INTERSECTION OF GLENDON PARKWAY AND US 17-92 MUST NOT DEAD END INTO A COMMERCIAL, RESIDENTIAL OR OFFICE DEVELOPMENT, AND MUST CONNECT, TO AN INTERNAL ROADWAY WHICH CONNECTS TO EITHER BENNETT AVENUE, MONROE AVENUE OR LEE ROAD. AT THE TIME OF THE TRAFFIC SIGNAL INSTALLATION AT GLENDON PARKWAY, THE DEVELOPER SHALL PAY FOR THE COST OF THE CLOSURE OF PERTINENT MEDIANS ON US 17-92, AS DETERMINED BY (FLORIDA DEPARTMENT OF TRANSPORTATION) FDOT.
- C. FOR SITE ACCESS PURPOSES, ~~AT THE PROPOSED INTERSECTION OF BENNETT AVENUE AND LEE ROAD REALIGNED WITH EXECUTIVE DRIVE, THE NORTHERN LEG OF THIS INTERSECTION MUST BE REALIGNED TO CONNECT AND ALIGN STRAIGHT WITH EXECUTIVE DRIVE OR, IN THE ALTERNATIVE, EXECUTIVE DRIVE MUST BE REALIGNED TO CONNECT AND ALIGN STRAIGHT WITH BENNETT DRIVE ("ROAD REALIGNMENT"). ONE OF THE PURPOSES OF THE ROAD RELIGNMENT IS TO FACILITATE A FOUR LEG SIGNALIZED INTERSECTION AT THE REALIGNED BENNETT DRIVE/EXECUTIVE DRIVE INTERSECTION WITH LEE ROAD. THE DEVELOPER SHALL, AT DEVELOPER'S EXPENSE, CAUSE THE DESIGN, PERMITTING AND CONSTRUCTION OF THE—~~ A MODIFIED T-INTERSECTION AT THE INTERSECTION OF BENNETT AVENUE AND LEE ROAD AS DETERMINED TO BE THE PREFERRED INTERSECTION BY FDOT AND THE CITY TRAFFIC ENGINEER, AND SHALL CONVEY TO THE CITY ANY RIGHT-OF-WAY PROPERTY NEEDED FOR THE SAME. THE COMPLETION OF THE INTERSECTION IMPROVEMENTS SHALL OCCUR ON OR BEFORE AUGUST 31, 2022 REGARDLESS OF WHETHER A TRAFFIC SIGNAL IS WARRANTED BY FDOT AT THE BENNETT AVENUE/LEE ROAD INTERSECTION PRIOR TO THAT TIME. THE BENNETT AVENUE ROADWAY MUST NOT DEAD END INTO A COMMERCIAL, RESIDENTIAL OR OFFICE DEVELOPMENT, AND MUST CONNECT, TO AN INTERNAL ROADWAY WHICH CONNECTS TO MONROE AVENUE OR US 17-92.

ON OR BEFORE EARLIER OF ANY FURTHER SITE PLAN APPROVALS OR OTHER DEVELOPMENT ORDERS NOT ALREADY APPROVED BY THE CITY PRIOR TO DECEMBER 9, 2020 OR COMMENCEMENT OF PERMITTING AND CONSTRUCTION OF THE INTERSECTION IMPROVEMENTS, THE DEVELOPER SHALL ENTER INTO A ROAD CONSTRUCTION AGREEMENT WITH THE CITY OF WINTER PARK IN A FORM ACCEPTABLE TO THE CITY SETTING FORTH THE TERMS AND CONDITIONS FOR THE DESIGN, PERMITTING, CONSTRUCTION AND COMPLETION OF THE INTERSECTION IMPROVEMENTS, AND RELATED UTILITY RELOCATIONS AND RIGHT-OF-WAY CONVEYANCES, INCLUDING WITHOUT LIMITATION, SETTING FORTH DEADLINES CONCERNING THE SAME. THE DESIGN, PERMITTING, CONSTRUCTION AND COMPLETION OF THE INTERSECTION IMPROVEMENTS AND RIGHT-OF-WAY CONVEYANCES MUST BE PERFORMED IN COMPLIANCE WITH THE TERMS AND CONDITIONS OF SUCH ROAD CONSTRUCTION AGREEMENT, INCLUDING THE DEADLINES SET FORTH THEREIN.

THE DEVELOPER SHALL CAUSE, AT DEVELOPER'S EXPENSE AND AT NO CHARGE TO THE CITY, TO BE CONVEYED TO THE CITY OF WINTER PARK IN FEE SIMPLE, FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES EXCEPT FOR MATTERS ACCEPTABLE TO THE CITY, RIGHT-OF-WAY LANDS NEEDED FOR INTERSECTION IMPROVEMENTS IN ORDER TO CREATE THE T-INTERSECTION DESIGN FOR THE BENNETT AVENUE AND LEE ROAD INTERSECTION. THE CITY IS NOT OBLIGATED TO VACATE AND ABANDON ANY PORTION OF THE EXISTING BENNETT DRIVE ~~AND EXECUTIVE DRIVE~~ RIGHTS-OF-WAY AS THE RESULT OF THE INTERSECTION IMPROVEMENTS AND RELATED RIGHT-OF-WAY CONVEYANCES.

THE DEVELOPER'S FAILURE TO MEET DEADLINES REQUIRED UNDER THIS SECTION OR IN THE ROAD CONSTRUCTION AGREEMENT MAY RESULT IN A HOLD ON PROCESSING AND APPROVAL OF ADDITIONAL DEVELOPMENT ORDERS AND PERMITS FOR THE RAVAUDAGE PROJECT.

- D. THE DEVELOPER MUST CLOSE THE 11 EXISTING PRIVATE PROPERTY CURB CUTS / DRIVEWAYS ON US 17-92 OR TRAFFIC SIGNAL WARRANT STUDY MUST ASSUME SUCH CLOSURE.
- E. BENJAMIN PARTNERS HAS OBTAINED OWNERSHIP OF THE SINGLE FAMILY PARCELS SOUTH OF MONROE AND THE LAND HAS BEEN CLEARED OF ALL STRUCTURES. THE CITY OF MAITLAND PROVIDED A LETTER DATED APRIL 30, 2018 STATING NO OBJECTION TO A NEW WAIVER MODIFICATION REQUEST TO ALLOW A ZERO FOOT SETBACK BETWEEN THE MAITLAND AND WINTER PARK CITY LIMITS BOUNDARY ALONG THE SOUTH SIDE OF MONROE AVE AND WITHIN BLOCK K. FOR THOSE PROPERTIES LOCATED EAST OF BENNETT AVENUE, ADJACENT TO THE RESIDENTIAL PROPERTY WITHIN THE CITY OF WINTER PARK, A BUILDING SETBACK OF 15 FEET IS TO BE PROVIDED FROM THE EASTERN RIGHT-OF-WAY LINE OF BENNETT AVENUE, WITH THE EXCEPTION OF BLOCK E BETWEEN MORGAN STANLEY AVENUE AND GLENDON PARKWAY SHALL BE PERMITTED A 6' BUILDING SETBACK FROM THE BENNETT AVE EASTERN RIGHT OF WAY LINE SO LONG AS A MINIMUM OF A 10' SIDEWALK EXISTS WITH ON STREET PARKING.
- 20. ANY PETITION TO VACATE SHALL HAVE A CONDITION THAT WILL IDENTIFY THAT THE APPLICANT MAY PROVIDE A RIGHT-OF-WAY STRIP FOR LEE ROAD AND/OR ORLANDO AVENUE TO THE COUNTY OR (FLORIDA DEPARTMENT OF TRANSPORTATION) FDOT AT NO COST UPON REQUEST BY THE COUNTY OR (FLORIDA DEPARTMENT OF TRANSPORTATION) FDOT. A RIGHT-OF-WAY AGREEMENT MAY BE REQUIRED AS PART OF ANY FUTURE DEVELOPMENT PLAN OR PRELIMINARY SUBDIVISION PLAN.
- 21. INTERNAL TRAFFIC LANES SHALL BE 12 (TWELVE) FEET IN WIDTH WITH ON STREET PARKING AND THE PARKING LANES SHALL BE 8 ½ (EIGHT AND ONE-HALF) FEET IN WIDTH, OR AS APPROVED BY THE CITY OF WINTER PARK PUBLIC WORKS DEPARTMENT.
- 22. USE OF THE EQUIVALENCY MATRIX (SHOWN BELOW) THAT CHANGES ANY USE BY 10% OR GREATER (INDIVIDUALLY OR IN THE AGGREGATE) SHALL BE DEEMED A SUBSTANTIAL CHANGE TO THE PD. EQUIVALENCY MATRIX IS SHOWN BELOW. NOTE: PROJECT HAS UTILIZED THE 10 % USE INCREASE FOR RESIDENTIAL UNITS.

RAVAUDAGE PD
Equivalency Matrix

Change From:		Change to Land Use:				ITE Land Use	
Land Use	Size	Apartment	Hotel	General Office	Commercial	Trip Rate (1)	Code
Apartment	1 DU		0.837 Room	0.485 SF	0.136 SF	0.59 Trips/DU	220
Hotel	1 Room	1.195 DU		0.579 SF	0.162 SF	0.70 Trips/Room	310
Office	1,000 SF	2.061 DU	1.726 Room		0.280 SF	1.21 Trips/1,000 SF	710
Commercial	1,000 SF	7.372 DU	6.171 Room	3.576 SF		4.32 Trips/1,000 SF	820

(1) Conversion factors based on PM Peak Hour Peak Direction Trip Generation Rates from ITE 8th Edition Trip Generation Report, 2008.

Example: To convert 10,000 SF of Office space to equivalent Apartment, Hotel or Commercial:

To Apartment: $(10,000 / 1,000) \times 2.061 = 20.61$ DU. Use 21

To Hotel: $(10,000 / 1,000) \times 1.726 = 17.26$ Rooms. Use 17

To Shopping Center: $(10,000 / 1,000) \times 0.280 = 2.796$ KSF. Use 2,800 SF

To check if equivalent Land Use is the same:

10,000 SF Office = $(10,000 / 1,000) \times 1.21 = 12.08$ PM Peak Hour Trips. Use 12

Apartment: $21 \times 0.59 = 12.31$ PM Peak Hour Trips. Use 12

Hotel: $17 \times 0.70 = 11.90$ PM Peak Hour Trips. Use 12

Shopping Center: $(2,800 / 1,000) \times 4.32 = 12.10$ PM Peak Hour Trips. Use 12

RAVAUDAGE PD

Estimated Trip Generation for Representative Land Use (1)

Land Use	Size		ITE Land Use Code (2)	Trip Generation Rates			
				Daily	PM Peak Hour		
					Total	Enter	Exit
Apartment	489	DU	220/E	6.31	0.59	0.38	0.21
Hotel	320	Room	310/R	8.92	0.70	0.34	0.36
General Office	891,000	SF	710/E	8.07	1.21	0.21	1.00
Commercial	323,100	SF	820/E	45.05	4.32	2.12	2.20

(1) Trip Generation Rates from 8th Edition of ITE Trip Generation Report, 2008.

(2) E = Fitted Curve Equation, or R = Average Trip Rate

Note: Trip Generation rates in bold face used for calculating Equivalency matrix.

Luke Transportation Engineering Consultants, 2010

October 25, 2010

23. THE DEVELOPER WILL CONTRIBUTE A PROPORTIONATE SHARE OF THE COSTS FOR INTERSECTION TRAFFIC SIGNALIZATION TECHNOLOGY UPGRADES THROUGH THE PHASING OF THE PROJECT. THESE UPGRADES WILL APPLY TO SIGNIFICANTLY AFFECTED INTERSECTIONS BASED ON A MUTUAL DETERMINATION BY THE DEVELOPER'S TRAFFIC ENGINEER AND THE CITY'S TRANSPORTATION TRAFFIC ENGINEER AND A MAXIMUM WILL BE DETERMINED.

[SIGNATURE PAGES OF AMENDED AND RESTATED DEVELOPMENT ORDER NOT SHOWN]

EXHIBIT "A"

WINTER PARK AMENDED DEVELOPMENT ORDER LEGAL DESCRIPTION:

A PORTION HOME ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "M", PAGE 97, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND A PART OF SECTION 1, TOWNSHIP 22 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST ¼ OF SECTION 1, TOWNSHIP 22 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA; RUN SOUTH 01°40'06"W 30.01 FEET TO THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF MONROE AVENUE AND THE CENTERLINE OF BENNETT AVENUE; SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUE S01°40'06"W ALONG THE CENTERLINE OF AFORESAID BENNETT AVENUE A DISTANCE OF 100.96 FEET TO THE POINT OF INTERSECTION OF SAID CENTERLINE OF BENNETT AVENUE AND THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 2, BLOCK "O", HOME ACRES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK M, PAGE 97 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN N90°00'00"E A DISTANCE OF 143.71 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE N00°22'31"E ALONG THE EAST LINE OF SAID LOT 2 A DISTANCE OF 12.00 FEET TO THE NORTHWEST CORNER OF LOT 14, BLOCK "O", OF SAID HOME ACRES; THENCE N90°00'00"E ALONG THE NORTH LINE OF SAID LOT 14, THE NORTH LINE OF LOT 6, BLOCK "P", AND THE NORTH LINE OF LOT 11, BLOCK "P", SAID HOME ACRES, A DISTANCE OF 431.30 FEET TO THE NORTHEAST CORNER OF SAID LOT 11, BLOCK "P", SAID POINT LYING ON THE WEST LINE OF LEWIS DRIVE; THENCE S00°05'24"W ALONG SAID WEST LINE A DISTANCE OF 360.00 FEET TO THE INTERSECTION OF SAID WEST LINE OF LEWIS DRIVE WITH THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 10, BLOCK "K", SAID HOME ACRES, THENCE, THENCE N90°00'00"E ALONG SAID WESTERLY EXTENSION A DISTANCE OF 70.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 10, BLOCK "K", SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF AFORESAID LEWIS DRIVE; THENCE S00°05'24"W ALONG THE EAST RIGHT OF WAY LINE OF LEWIS DRIVE A DISTANCE OF 200.00 FEET TO THE SOUTHWEST CORNER OF LOT 7, BLOCK K; THENCE N90°00'00"E ALONG THE SOUTH LINE OF SAID LOT 7 A DISTANCE OF 132.50 FEET TO THE NORTHWEST CORNER OF LOT 15, BLOCK K; THENCE S00°05'24"W ALONG THE WEST LINE OF SAID LOT 15 A DISTANCE OF 50.00 FEET; THENCE N90°00'00"E ALONG THE SOUTH LINE OF SAID LOT 15 AND EASTERLY EXTENSION THEREOF, A DISTANCE OF 182.50 FEET TO THE EAST RIGHT OF WAY LINE OF BENJAMIN AVENUE; THENCE S00°05'24"W ALONG SAID EAST RIGHT OF WAY LINE OF BENJAMIN AVENUE A DISTANCE OF 255.00 FEET TO A POINT ON THE NORTH LINE OF GLENDON PARKWAY AS IT NOW EXISTS; THENCE N90°00'00"E ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 187.50 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF ORLANDO AVENUE (STATE ROAD 15 & 600); SAID POINT BEING A POINT ON A CURVE HAVING A RADIUS OF 5676.65 FEET, A CENTRAL ANGLE OF 02°43'16" AND A CHORD THAT BEARS S01°16'50"E; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 269.61 FEET TO THE POINT OF TANGENCY; THENCE RUN S00°04'48"W ALONG SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF 803.10 FEET TO THE INTERSECTION OF SAID WESTERLY RIGHT OF WAY LINE WITH THE NORTHERLY RIGHT OF WAY LINE OF LEE ROAD; (STATE ROAD NO. 438); THENCE RUN ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING COURSES AND DISTANCES: S67°42'20"W, 36.68 FEET; S89°45'12"W, 124.55 FEET; S81°01'12"W, 34.71 FEET; N00°04'22"W, 11.27 FEET; S89°45'12"W, 385.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF LEWIS DRIVE; THENCE N00°04'22"W ALONG SAID RIGHT OF WAY OF LEWIS DRIVE A DISTANCE OF 213.88 FEET TO THE NORTHEAST CORNER OF LOT 7, BLOCK C, HOME ACRES; THENCE S90°00'00"W ALONG THE NORTH LINE OF SAID LOT 7 A DISTANCE OF 132.50 FEET TO THE NORTHWEST CORNER OF SAID LOT 7; THENCE S00°04'22"E ALONG THE EAST LINE OF SAID LOT 7, BLOCK C, A DISTANCE OF 50.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 7; THENCE S90°00'00"W ALONG THE NORTH LINE OF LOT 19, BLOCK C, A DISTANCE OF 132.50 FEET TO THE EAST RIGHT OF WAY LINE OF LOREN AVENUE; THENCE S00°04'22"E ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 165.02 FEET TO A POINT ON AFORESAID LEE ROAD; THENCE S89°45'12"W ALONG SAID EAST LINE A DISTANCE OF 50.00 FEET TO THE WEST RIGHT OF WAY LINE OF SAID LOREN AVENUE; THENCE N00°04'22"W ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 115.23 FEET TO THE NORTHEAST CORNER OF LOT 5, BLOCK D, HOME ACRES; THENCE S90°00'00"W ALONG THE NORTH LINE OF LOT 5, BLOCK D, A DISTANCE OF 51.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE S00°04'22"E ALONG THE WEST LINE OF SAID LOT 5, A DISTANCE OF 115.45 FEET TO A POINT ON AFORESAID NORTH RIGHT OF WAY LINE OF LEE ROAD; THENCE S89°45'12"W, 257.52 FEET TO THE POINT OF INTERSECTION OF THE NORTH LINE OF LEE ROAD AND THE WEST RIGHT OF WAY LINE OF BENNETT AVENUE; THENCE NORTHERLY ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 1,434 FEET MORE OR LESS; TO THE NORTHEAST CORNER OF PARK GREEN; ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, PAGE 90, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN N89°58'47"W A DISTANCE OF 491.91 FEET; THENCE N00°07'54"E A DISTANCE OF 186.84 FEET; THENCE S89°56'22"E A DISTANCE OF 191.75 FEET; THENCE N00°07'54"E A DISTANCE OF 320.55 FEET; THENCE N89°53'51"E A DISTANCE OF 49.46 FEET; THENCE N00°12'06"E A DISTANCE OF 103.89 FEET TO THE SOUTH RIGHT OF WAY LINE OF AFORESAID MONROE AVENUE; THENCE N90°00'00"E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 295.57 FEET TO THE POINT OF BEGINNING.

LESS THE FOLLOWING:

LOTS 10, 11 AND 17, BLOCK "F", AND VACATED RIGHT OF WAY NORTH OF LOTS 10 AND 11, AND EAST OF LOT 11; HOME ACRES ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK "M", PAGE 97, IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

LOT 1, BLOCK "H", HOME ACRES ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK "M", PAGE 97, IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

LOTS 11, 12 AND 16, BLOCK "L", AND VACATED RIGHT OF WAY EAST OF LOT 16, BLOCK "L"; AND THE NORTH 1/2 OF LOT 13, BLOCK "L", HOME ACRES ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK "M", PAGE 97, IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

ALSO LESS:

A PORTION HOME ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "M", PAGE 97, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF BENJAMIN AVENUE, WITH THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 438 (LEE ROAD), AS SHOWN ON THE STATE OF FLORIDA, STATE ROAD DEPARTMENT RIGHT OF WAY MAP, SECTION 75190-2502, SHEET 34 OF 42; THENCE RUN N.00°04'22"W. ALONG SAID WEST RIGHT OF WAY LINE OF BENJAMIN AVENUE, A DISTANCE OF 21.00 FEET FOR A POINT OF BEGINNING; THENCE RUN N.00°04'22"W. DISTANCE OF 143.39 FEET; THENCE RUN N.89°45'12"E. A DISTANCE OF 137.00 FEET; THENCE S.00°04'22"E. A DISTANCE OF 143.39 FEET; THENCE RUN S.89°45'12"W. A DISTANCE OF 137.00 FEET TO THE POINT OF BEGINNING.

ALSO LESS:

A PORTION OF BLOCK "A", HOME ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "M", PAGE 97, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF STATE ROAD NO. 15 & 600, (ORLANDO AVENUE) PER STATE ROAD DEPARTMENT RIGHT OF WAY MAP, SECTION NO. 75030-2205 & 75030-2502, WITH THE SOUTH RIGHT OF WAY LINE OF KINDEL AVENUE, ACCORDING TO THE AFOREMENTIONED PLAT, THENCE RUN N89°50'56"W ALONG SAID SOUTH RIGHT OF WAY LINE OF KINDEL AVENUE A DISTANCE OF 6.00 FEET; THENCE RUN S00°04'04"W ALONG A LINE LYING 6.00 FEET WEST OF (BY PERPENDICULAR MEASUREMENT) AND PARALLEL WITH AFORESAID WEST RIGHT OF WAY LINE OF STATE ROAD NO. 15 AND 600, A DISTANCE OF 92.96 FEET; THENCE RUN N89°55'56"W A DISTANCE OF 15.58 FEET FOR A POINT OF BEGINNING; THENCE RUN S00°04'04"W A DISTANCE OF 178.00 FEET; THENCE N89°55'56"W A DISTANCE OF 78.09 FEET; THENCE N00°04'04"E A DISTANCE OF 178.00 FEET; THENCE S89°55'56"E A DISTANCE OF 78.09 FEET TO THE POINT OF BEGINNING.

ADDED LAND AREA – PER ORDINANCE NO: 2957-14

970 LOREN AVENUE
1000 LOREN AVENUE
1008 LOREN AVENUE
1306 LOREN AVENUE
1141 LOREN AVENUE
1313 LOREN AVENUE

ADDED LAND AREA – PER ORDINANCE NO: 3022-15

1531 LEE ROAD
1325 LEWIS DRIVE

ADDED LAND AREA – PER RESOLUTION NO: 2223-19
1308 LOREN AVE
1501 LEE ROAD

ADDED LAND AREA – PER RESOLUTION NO: 2237-20
0.84 ACRES) OF THE LEWIS DRIVE AND BENNETT AVENUE PUBLIC RIGHTS-OF-WAY
/308/312/322 MONROE AVENUE
1396 BENNETT AVENUE

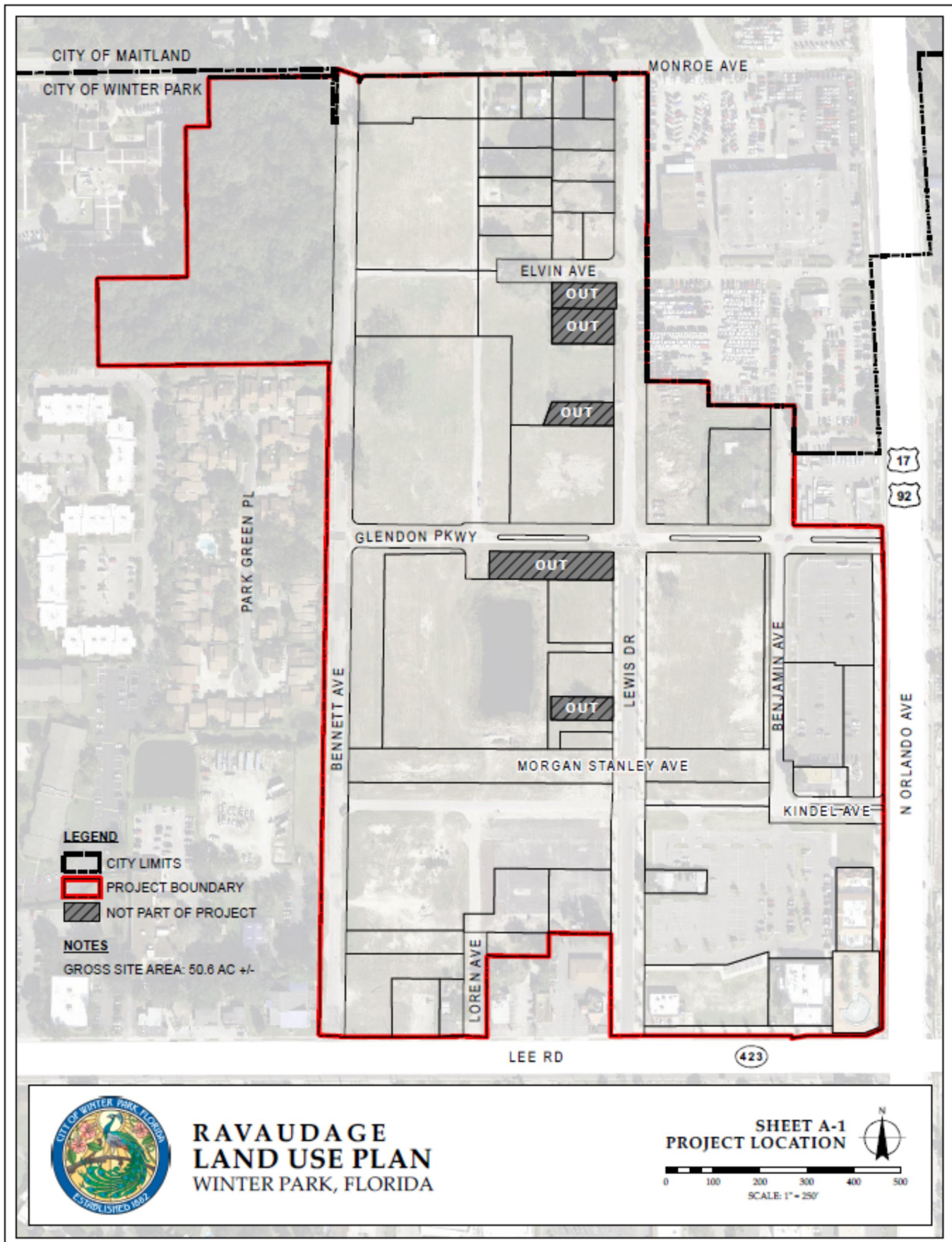
ALL OF THE ABOVE DESCRIBED PROPERTY CONTAINS 50.6 ACRES MORE OR LESS.

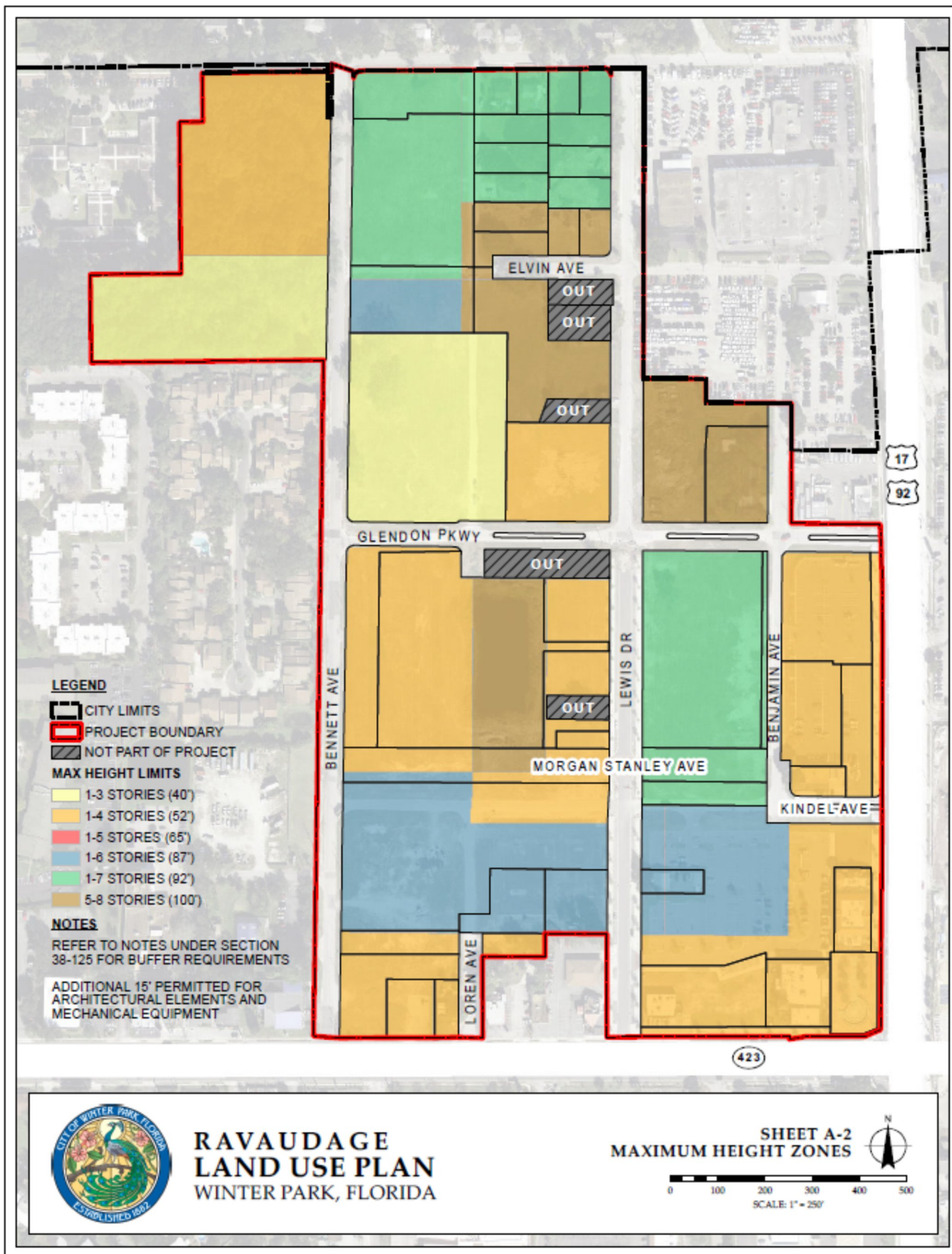
EXHIBIT “B”

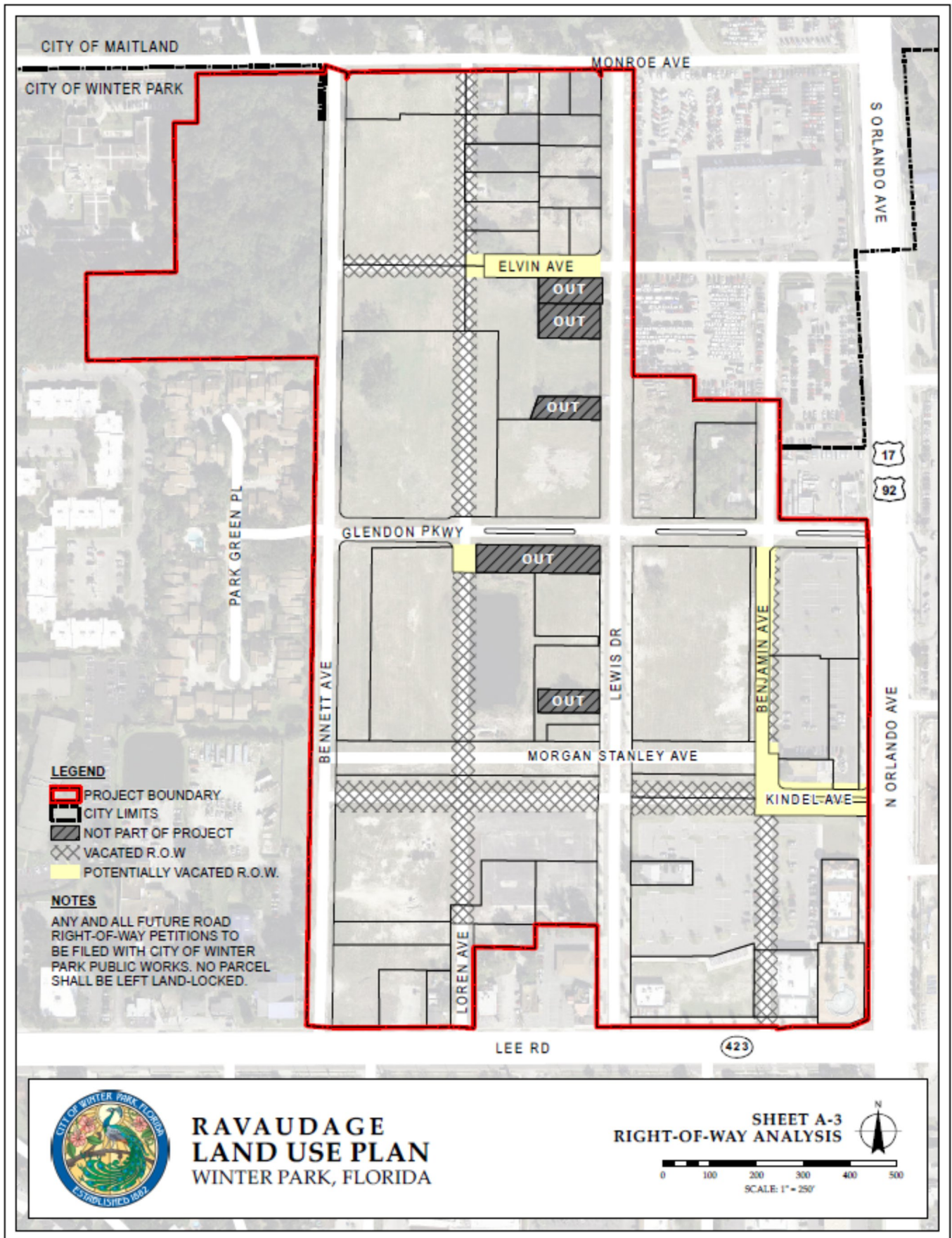
RAVAUDAGE LAND USE PLAN

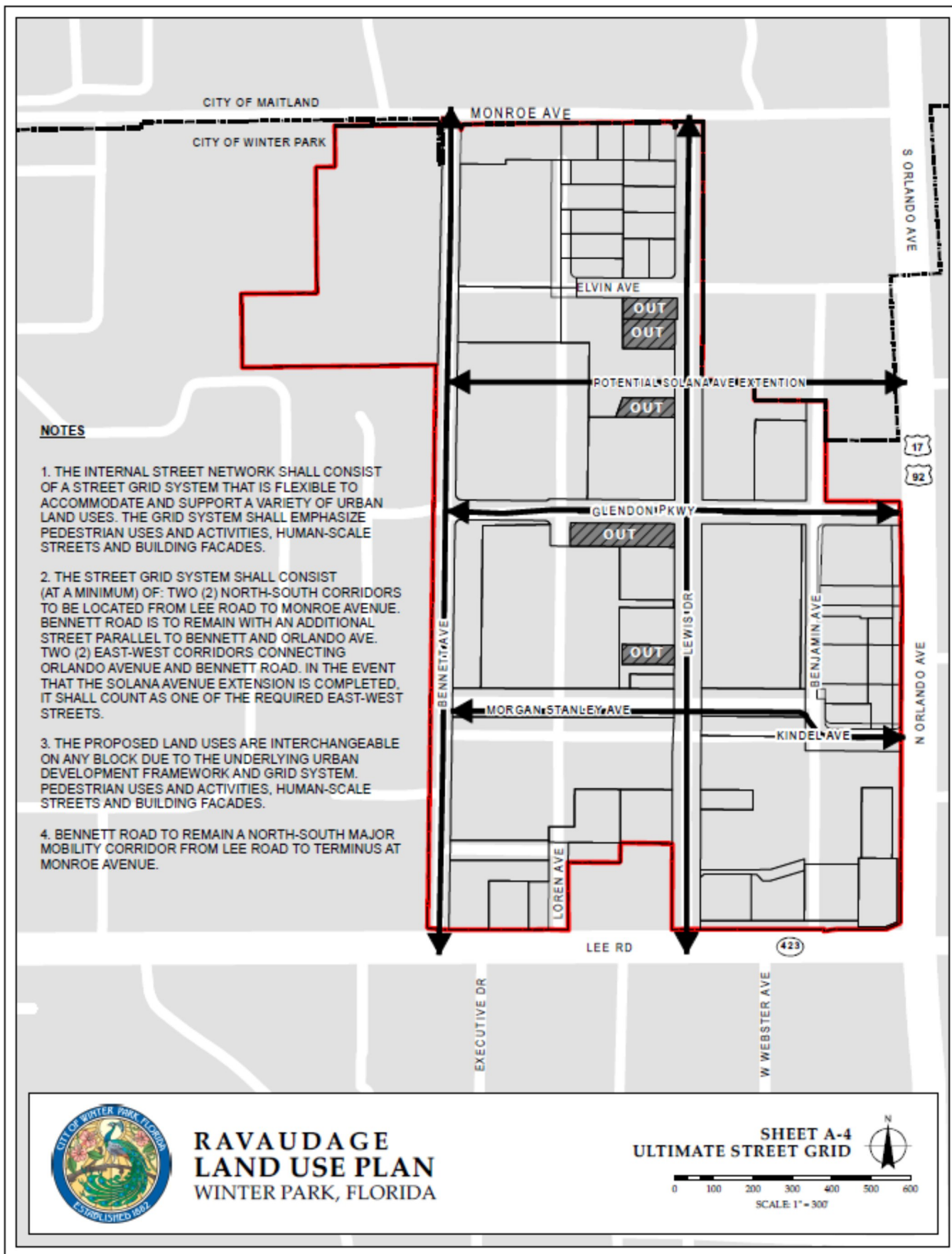
SEE ATTACHED MAP SERIES

NOTE: IN CASES OF CONFLICT BETWEEN THE FOLLOWING LAND USE PLAN MAP SERIES AND
THE DEVELOPMENT ORDER, THE TEXT OF THE AMENDED AND RESTATED DEVELOPMENT
ORDER SHALL PREVAIL

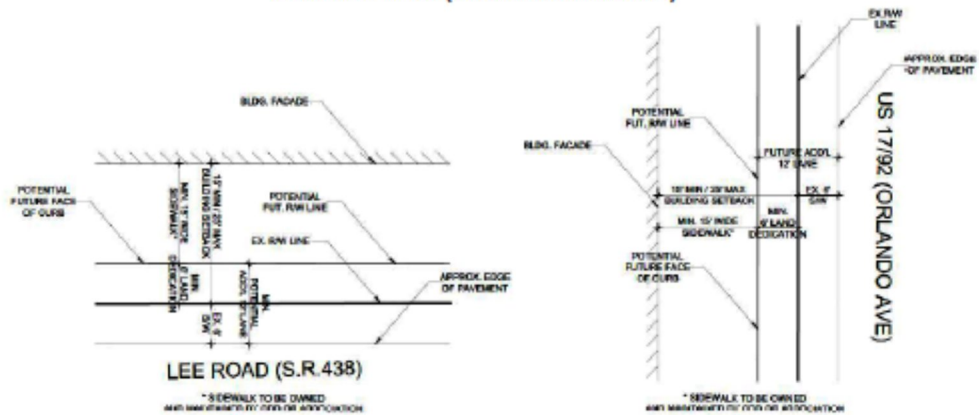




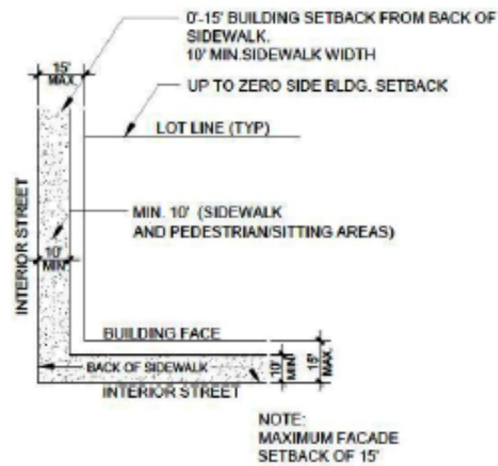




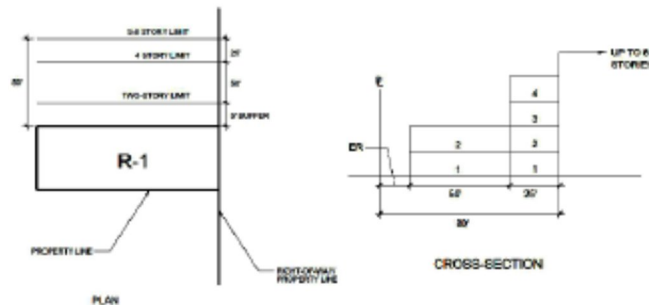
BUILDING SETBACKS FROM LEE ROAD AND U.S. 17/92 (ORLANDO AVENUE)



INTERIOR STREET SETBACKS



BUILDING SETBACKS ABUTTING SINGLE FAMILY RESIDENTIAL LOT NOT PART OF THE RAVAUDAGE PD



**RAVAUDAGE
LAND USE PLAN**
WINTER PARK, FLORIDA

**SHEET A-5
BUILDING SETBACKS**

0 100 200 300 400 500
SCALE: 1" = 250'



EXHIBIT "C"
[Section 4 of the Annexation Agreement]

Section 4. Development Conditions Regarding Traffic Facilities.

- a. Project development shall require new traffic lights onto US 17-92 and Lee Road. It shall be at the option of the Developer or a Community Development District ("CDD") which may be formed, which traffic light to construct first. When the project reaches or exceeds 151,000 square feet, the Developer or CDD shall at their expense, complete a traffic signal warrant study within six months of issuance of certificates of occupancy for said buildings and seek Florida DOT approval for the first traffic light. If the proposed traffic signal meets the warrants and is approved by Florida DOT, then the, Developer or CDD shall, at their expense, install the first traffic light subject to the DOT permit and conditions. If the traffic volumes or other conditions do not warrant the first traffic light and it is not approved by Florida DOT, then the Project may continue to proceed with additional expansions but the traffic signal warrant study shall be updated annually, at Developer or CDD's expense, and Developer or CDD shall seek Florida DOT approval. At the time then when the first traffic signal is approved by Florida DOT, the Developer or CDD shall then, at their expense, install the first traffic light subject to DOT permit and conditions. When the Project reaches or exceeds 490,000 square feet, the Developer or CDD shall at their expense, complete a traffic signal warrant study within six months of issuance of certificates of occupancy for said

buildings and seek Florida DOT approval for the second traffic light. If the second proposed traffic signal meets the warrants and is approved by Florida DOT, then the Developer or CDD shall, at their expense, install the second traffic light subject to the DOT permit and conditions. If the traffic volumes or other conditions do not warrant the second traffic light and it is not approved by Florida DOT, then the Project may continue to proceed with additional expansions but the traffic signal warrant study shall be updated annually for at least three consecutive years thereafter, at Developer's or CDD's expense and Developer or CDD shall seek Florida DOT approval for the second traffic light. At the time the second traffic signal is approved by Florida DOT, the Owners, Developer, or CDD shall, at their expense, install the second traffic light subject to DOT permit and conditions. For both traffic lights, the Developer or CDD, at their sole cost, shall be responsible for the installation of an enhanced mast arm signalized interconnected intersection, as well as the laneage improvements necessary.

- b. For site access purposes at the proposed intersection of Solana Avenue and US 17-92 the western extension of Solana Avenue into the Project must not dead end into a commercial, residential or office development, and must connect, to an internal roadway which connects to either Bennett Avenue, Monroe Avenue or Lee Road. At the time of the traffic signal installation at Solana



Avenue, the Developer or CDD shall pay for the cost of the closure of all medians on US 17-92, with the exception of Dixon Avenue, from Park Avenue to Lee Road, subject only to FDOT approval for any median closure.

- c. For site access purposes at the proposed intersection of Bennett Avenue and Lee Road, the northern leg of this intersection must be realigned to connect and align with Executive Drive. The realigned roadway into the Project must not dead end into a commercial, residential or office development, and must connect, to an internal roadway which connects to Monroe Avenue or US 17-92.
- d. The Developer or CDD must close the 11 existing private property curb cuts/driveways on US 17-92 or traffic signal warrant study must assume such closure.

Section 5. Development Conditions Regarding Private Buildings and the Property.

- a. The City and Owners agree to accept and be governed by the Orange County PD and Commercial Future Land Use designation(s) on the Property and the Orange County PD zoning designations and all other applicable provisions of the Orange County Land Development Code. The City and Owners agree to accept and be governed by the specific approvals of PD future land use and PD zoning, as have been granted by Orange County, including all waivers and conditions thereto which are included as a part of this Agreement as **Exhibit "C"**.



AFTER RECORDING RETURN TO:

City of Winter Park
Attn: City Clerk
401 S. Park Avenue
Winter Park, FL 32789

BENNETT AVENUE & LEE ROAD INTERSECTION
CONSTRUCTION AGREEMENT

THIS BENNETT AVENUE & LEE ROAD INTERSECTION CONSTRUCTION AGREEMENT (this “Agreement”) is entered into this 9th day of December, 2020 by and between **CITY OF WINTER PARK**, a Florida municipal corporation, whose address is 401 S Park Ave, Winter Park Florida 32789 (“City”), and **BENJAMIN PARTNERS, LTD.**, a Florida limited partnership, whose address is P.O. Box 350, Winter Park, FL 32790 (the “Developer”).

RECITALS:

WHEREAS, pursuant to the Amended and Restated Development Order for the Ravaudage Project, as further amended (“Development Order”), Developer is required to cause the design, permitting and construction of the Signalized T-Intersection of Bennett Avenue and Lee Road as more specifically shown in the conceptual drawings attached hereto as **Exhibit “A”** (sometimes herein the “Signalized T-Intersection of Bennett Avenue and Lee Road Improvements” or “Signalized T-Intersection of Bennett Avenue and Lee Road”); and

WHEREAS, pursuant to the Amended and Restated Development Order, the Developer is required to enter into this Agreement with the City to address the Signalized T-Intersection of Bennett Avenue and Lee Road Improvements; and

WHEREAS, the City has jurisdiction, control, operational and maintenance authority over the Bennett Avenue public rights-of-way located within the municipal boundaries of the City of Winter Park; and

WHEREAS, the State of Florida Department of Transportation (“FDOT”) has jurisdiction, control, operation and maintenance authority over Lee Road (a/k/a SR 423); and

WHEREAS, the City finds that completing the Bennett Avenue & Lee Road Signalized T-Intersection Improvements is in the best interest of the general public health, safety and welfare; and

WHEREAS, the City and Developer desire to enter into this Agreement to memorialize certain roles and requirements of the parties in causing the Bennett Avenue & Lee Road Signalized T-Intersection Improvements to occur.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and Developer agree as follows:

1. Recitals. The above Recitals are true and correct and are incorporated herein as material provisions of this Agreement.

2. Bennett Avenue Signalized T-Intersection. Developer shall, at its expense, cause the design and construction of the Bennett Avenue & Lee Road Signalized T-Intersection Improvements. The design, construction and completion of the Bennett Avenue & Lee Road Signalized T-Intersection Improvements and conveyance to the City of the Right-of-Way Property as defined herein required for such intersection, shall occur on or before one (1) year after Approved Permit-Ready Construction Plans are approved by the City of Winter Park and FDOT, but not later than August 31, 2022. The Developer shall cause the engineering design of the Bennett Avenue & Lee Road Signalized T-Intersection Improvements to be prepared by a Professional Engineer (PE), Licensed in the State of Florida and submit such to the City and FDOT for review, comment and approval (or rejection) on or before June 1, 2021 (“Plans Submittal Deadline”).

During its review of proposed engineering design, the City shall have the right to require modifications to the proposed engineering design for Bennett Avenue & Lee Road Signalized T-Intersection Improvements. The Bennett Avenue Signalized T-Intersection Improvements shall be constructed in conformance with the construction plans approved by the City and FDOT (“Approved Permit-Ready Construction Plans”). In no event shall commencement of construction of the Bennett Avenue & Lee Road Signalized T-Intersection Improvements occur prior to City and FDOT approval of the Permit-Ready Construction Plans.

Moreover, prior to commencement of construction of the Bennett Avenue & Lee Road Signalized T-Intersection Improvements, the Developer shall obtain approval from the City and FDOT. Any contractor or subcontractors shall be licensed and experienced in public road construction in the Central Florida area, have the adequate insurance coverages per City of Winter Park and FDOT requirements. Developer shall be responsible for procuring and contracting directly with the approved licensed contractor to perform the construction of the Bennett Avenue & Lee Road Signalized T-Intersection Improvements.

If a traffic signal is warranted by FDOT (based on the requirement for the Developer to perform annual intersection warrant studies) at the intersection of Bennett Avenue and Lee Road prior to the Completion Date, Developer shall cause, at its expense, the installation, programming and synchronization of the warranted traffic signal at such intersection during and as part of the construction of the Bennett Avenue & Lee Road Signalized T-Intersection Improvements. Neither the prior sentence, nor anything else in this Agreement, is intended to release the Developer from Developer’s obligations in the Development Order regarding providing traffic warrant studies and traffic signalization improvements. It is reasonable to predict that a signal at the Bennett Avenue & Lee Road intersection will be warranted within the next few years, based on the current rate of development in the area. If a traffic signal is warranted after the Completion Date, Developer shall, at Developer’s expense, cause the design, and installation of the traffic signalization. Developer

shall be responsible for the permitting required if installation of a traffic signal is determined to be warranted by the study.

3. Construction. Prior to commencing construction of the Bennett Avenue & Lee Road Signalized T-Intersection Improvements, Developer shall seek and obtain all applicable permits and Maintenance of Traffic (MOT) plan approvals from the FDOT, the City of Winter Park and the appropriate utility providers for and concerning the Bennett Avenue & Lee Road Signalized T-Intersection consistent with the Approved Permit-Ready Construction Plans. Developer shall promptly provide the City with a copy of permits upon issuance of said permits from each applicable agency or provider needed for the Bennett Avenue & Lee Road Signalized T-Intersection.

After issuance of all applicable permits from the City, FDOT, and the appropriate utility providers and all other applicable government agencies for and concerning the Bennett Avenue & Lee Road Signalized T-Intersection Improvements, the occurrence of the City approvals required by Paragraph 2 of this Agreement, Developer's approved contractor may commence, at Developer's sole expense, the construction of the Bennett Avenue & Lee Road Signalized T-Intersection Improvements by giving its contractor a notice to proceed and copying the City with said notice (the "Commencement of Construction").

Developer shall cause the contractor or subcontractor to warrant and guarantee to the City that the Bennett Avenue & Lee Road Signalized T-Intersection Improvements will be free from improper workmanship, will not be defective and will give proper and continuous service under all conditions required by, specified in, or which may be reasonably inferred from this Agreement. Regular inspections of the work being performed shall be required and coordinated with the City and FDOT, ensuring that the work is performed in accordance with the approved plans. There shall be a minimum one (1) year post-final completion warranty and corrective action period on the Bennett Avenue & Lee Road Signalized T-Intersection Improvements requiring Developer and its contractor to correct deficiencies found in improvements during such time. Construction, installation, inspection, completion and testing of the Bennett Avenue & Lee Road Signalized T-Intersection Improvements shall be subject to the City's standard inspection and approval provisions. Upon completion, final inspection and final approvals from the City and FDOT, As-Built Drawings, showing the full area of improvements, shall be provided at Developer's expense to the City and FDOT.

4. Right-of-Way Property Conveyance. In order to accomplish the Bennett Avenue & Lee Road Signalized T-Intersection Improvements and have such become public right-of-way, the Developer shall, at no cost to the City, convey to the City fee simple owner of real property required to build, operate and maintain the intersection and all other improvements associated with the Bennett Avenue & Lee Road Signalized T-Intersection Improvements ("Right-of-Way Property"). The Right-of-Way Property shall be conveyed to the City via warranty deed, free and clear of all mortgages, liens and other encumbrances. The Right-of-Way Property shall be conveyed to the City on or before the Intersection Completion Date.

The Developer shall, at least twenty (20) days prior to the conveyance of the Right-of-Way Property to the City, provide to the City a boundary survey of the Right-of-Way Property certified to the City and a current attorney's opinion of title or a current title commitment, evidencing that fee simple title to the Right-of-Way Property is free and clear of all mortgages, liens and

encumbrances except for those matters acceptable to the City. The cost and expenses related to the conveyance of the Right-of-Way Property including the cost of title work and survey shall be borne solely by the Developer. Real property taxes on the Right-of-Way Property shall be prorated as of the day before the City's acceptance of the conveyance of the same, and the prorated amount of such real property taxes attributable to the Developer shall be paid and escrowed by the Developer in accordance with the provisions of Section 196.295, Florida Statutes; provided, however, that if the conveyance occurs between November 1 and December 31, then Developer shall be responsible for real property taxes for the entire year. Developer and other grantors, if any, shall comply with the disclosure requirements of Section 286.23, Florida Statutes, with respect to the conveyance of the Right-of-Way Property to the City. Neither the Developer nor Developer's successors and assigns nor any other person or entity shall be entitled to any road impact fee credits or other compensation of any kind for, on account of, or with respect to the required conveyance of the Right-of-Way Property to the City.

5. Signalized T-Intersection Completion. Upon completion of the Bennett Avenue & Lee Road Signalized T-Intersection Improvements, Developer shall have the City inspect such improvements, obtain a certificate of completion from the City Traffic Engineer and the City Public Works Director for such improvements and as a condition precedent to receiving a certificate of completion, Developer shall execute and deliver to the City: (i) the Design Engineer of record certification to the City that the Bennett Avenue & Lee Road Signalized T-Intersection Improvements have been completed in accordance with the Approved Design Plans, (ii) a bill of sale to the City for the Bennett Avenue & Lee Road Signalized T-Intersection Improvements, (iii) final and full release of claims and liens from contractors, subcontractors, materialmen and laborers who performed work or provided materials, (iv) an assignment of rights to the City and FDOT to enforce all contractor warranties and corrective periods on the Bennett Avenue & Lee Road Signalized T-Intersection Improvements; all in forms acceptable to the City. The Bennett Avenue & Lee Road Signalized T-Intersection Improvements shall be deemed completed upon Developer satisfying all of the conditions of Paragraphs 2 through 5 of this Agreement (the "Intersection Construction Completion").

6. Bennett Avenue & Lee Road Signalized T-Intersection Maintenance. Upon the occurrence of the Intersection Construction Completion, the City agrees to accept and operate, control, regulate, and maintain those portions of the Bennett Avenue right-of-way improvements associated with the Bennett Avenue & Lee Road Signalized T-Intersection Improvement located within the City owned or controlled rights-of-way, subject to and in accordance with the City's police power, ordinances and regulations and other applicable laws governing public rights-of-way.

7. Indemnification. Developer hereby indemnifies and holds harmless the City and the City's representatives, employees, agents, and elected and appointed officials, from and against all claims, actions, judgments, damages, losses, injuries, and expense (including reasonable attorneys' fees, experts' fees and litigation costs incurred whether at the trial level or on appeal) arising out of or resulting from this Agreement or the performance or nonperformance of the design, permitting and construction of the Bennett Avenue & Lee Road Signalized T-Intersection Improvements to the extent caused by Developer, its representatives, officers, employees, agents,

contractors, subcontractors, materialmen and other persons employed or utilized by Developer in the performance of work, services or action rendered in accordance with this Agreement, or any combination thereof.

Developer hereby agrees to indemnify and hold harmless the City from all liens filed by Developer's contractor and its subcontractors, materialmen, laborers, vendors and all others claiming by and through the contractor, against the Right-of-Way Property, the Bennett Avenue & Lee Road Signalized T-Intersection Improvements, any other public rights-of-way or property owned by the City or FDOT, or any portion thereof, including reasonable attorneys' fees, experts' fees and litigation costs incurred whether at the trial level or on appeal.

Nothing in this paragraph 7 is intended to allow third parties seek or recover remedies barred or limited by the City's sovereign immunity protections. The provisions of this paragraph 7 shall survive termination of this Agreement.

8. Payment and Performance Bonds. Prior to the commencement of construction of the Bennett Avenue & Lee Road Signalized T-Intersection Improvements, the Developer shall cause its contractor or subcontractor performing the Bennett Avenue & Lee Road Signalized T-Intersection Improvements to secure, post and deliver a performance bond and a payment bond pursuant to Section 255.05, Florida Statutes, issued by a surety company acceptable to the City naming the City as a beneficiary and each being in an amount equal to at least 100% of the estimated construction costs for the Bennett Avenue & Lee Road Signalized T-Intersection Improvements. The performance and payment bonds shall have terms acceptable to the City, thus the contractor shall obtain the City's approval of the bond terms and forms before its surety issues such bonds. The performance bond shall guarantee proper completion of Bennett Avenue & Lee Road Signalized T-Intersection Improvements and satisfaction of all warranties, including post-completion warranties and corrective action. The contractor shall deliver a copy of the executed performance and payment bonds to the City prior to construction commencement.

Developer acknowledges and agrees that public rights-of-way for which the Bennett Avenue & Lee Road Signalized T-Intersection Improvements is being constructed is owned by a Florida municipality and the FDOT and therefore is not subject to construction liens pursuant to Chapter 713, Florida Statutes, or any other liens due to the City's and FDOT's sovereign immunity protections. Developer's contractor and its subcontractors, materialmen, laborers, vendors and all others claiming by and through the contractor shall not record or file any claims of lien against any public rights-of-way or other property owned by the City or FDOT, or any portion thereof. Developer shall ensure that its contractor is aware of this provision and shall affirmatively require the contractor to comply with this provision by including a similar provision in the construction contract between Developer and its contractor.

9. No Transportation Impact Fee Credits/ Compensation. Neither the Developer nor Developer's successors and assigns nor any other person or entity shall be entitled to any road impact fee credits or other compensation of any kind for, on account of, or with respect to the required conveyance of the Right-of-Way Property to the City or with respect to the design, permitting and construction of the Bennett Avenue & Lee Road Signalized T-Intersection Improvements or concerning any other matter set forth in this Agreement. Developer agrees that the consideration provided to Developer in the Development Order is intended as and does hereby

constitute full, just and complete compensation for the conveyance of the Right-of-Way Property and for the other obligations of Developer hereunder, and Developer hereby waives and releases the City from compensating Developer for, without limitation, any and all damage, if any, to the remaining Developer Property, attorneys' fees and costs, expert's fees and costs, and other damages and expenses, whether known or unknown.

10. Force Majeure. If either party hereto shall be prevented or delayed from punctually performing any obligations or satisfying any condition under this Agreement or any closing document by any strike, lockout, labor dispute, unavailability of labor or materials, permitting delays, acts of God, government shutdown due to Covid-19 virus pandemic, unusually inclement or adverse weather, enemy or hostile governmental action, act of terrorism, civil commotion, insurrection, sabotage, fire or other casualty (any of the foregoing constituting an event of "force majeure"), then the time to perform such obligation or to satisfy such condition shall be extended on a day-for-day basis for the period of the delay caused by such event, whether such obligation or condition expressly provides for the extension of time to perform as a result of force majeure or not.

11. Local Development Approvals and Permits. Except as to the Development Order, nothing in this Agreement shall constitute or be deemed to constitute or require the City to issue Developer or the Developer Property any approval by the City of any rezoning, Comprehensive Plan amendment, variance, special exception, final site plan, preliminary subdivision plan, final subdivision plan, plat, building permit, grading, stormwater drainage, engineering, or any other development order or permit.

12. Effective Date. This Agreement shall become effective after approval by the City's Commission and upon execution by all parties (the "Effective Date").

13. Amendment. This Agreement may be amended, modified or cancelled by mutual consent of the parties hereto as represented by a written document executed by the City and Developer.

14. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. Exclusive venue in any action to construe or enforce the provisions of this Agreement shall be in the circuit court of and for Orange County, Florida.

15. Recording. The City may record this Agreement or a short form hereof in the public records of Orange County, Florida with the cost thereof to be borne by Developer.

16. Non-Waiver of Sovereign Immunity. Nothing contained in this Agreement or in any instruments executed pursuant to the terms of this Agreement shall be construed as a waiver or attempted waiver by the City of its sovereign immunity protections, police power and home rule authority under the Constitution and laws of the State of Florida.

17. Informed Execution. This Agreement is entered into voluntarily by the parties without duress and after full review, evaluation and consideration by the parties. Each of the parties is represented by counsel, or alternatively, has been afforded an opportunity to retain counsel for review of this Agreement.

18. Time is of the Essence. Time is hereby declared to be of the essence in the performance of the duties and obligations of the respective parties to this Agreement.

19. Captions. The captions or paragraph headings of this Agreement are provided for convenience only and shall not be deemed to explain, modify, amplify or aid in the interpretation, or meaning of this Agreement.

20. Independent Parties. City and Developer are not partners and this Agreement is not a joint venture and nothing in this Agreement shall be construed to authorize the City or Developer to represent or bind the any other party to matters not expressly authorized or provided in this Agreement. This Agreement shall be binding upon, and inure to the benefit of, the parties hereto and their respective legal representatives, successors, and assigns, and all subsidiaries and affiliates of the parties hereto.

21. Breach. In the event of a breach, default, or violation of one or more of the provisions herein by the Developer or the City, the violating party shall be given thirty (30) days to cure such violation upon receipt of written notice of the violation from a non-violating party. In the event such violation is not cured within said period, the City, or the Developer, as the case may be, shall have the right to pursue any and all legal and equitable remedies available provided by law.

23. Notice. All notices required or permitted by this Agreement will be in writing and delivered by certified mail, return receipt requested, postage prepaid, or by recognized overnight carrier. Every notice given hereunder will be deemed to have been given on the day (excluding a Saturday, Sunday or holiday in which mails are not collected) it has been deposited with the US mail or courier service in the aforesaid manner, except that a notice designating another address will be deemed to have been given or served at the time received by addressee. Notices shall be delivered to the following addresses:

To City at:

City of Winter Park
Attention: City Manager
401 S. Park Avenue
Winter Park, Florida 32789

To Developer at:

Benjamin Partners, Ltd.
Attention: Dan Bellows
P.O. Box 350
Winter Park, Florida 32790

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the date first set forth above.

Signed, sealed and delivered in

the presence of:

**CITY OF WINTER PARK, a Florida
municipal corporation**

ATTEST:

By: _____
Rene Cranis, City Clerk

By: _____
Steve Leary, Mayor

Witnesses

Print Name: _____

Print Name: _____

BENJAMIN PARTNERS, LTD., a Florida
limited partnership

By: BENNETT AVE. COMPANY, INC., a
Florida corporation, its General Partner

By: _____
Daniel B. Bellows, President

Date: _____

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by physical presence this ____ day of _____, by Daniel B. Bellows, President, of Bennett Ave. Company, Inc., a Florida corporation, the General Partner of Benjamin Partners, Ltd., a Florida limited partnership, who ☐ is personally known to me or ☐ has produced _____ as identification.

(NOTARY SEAL)

Notary Public Signature

(Name typed, printed or stamped)



City Commission agenda item

item type Public Hearings	meeting date December 9, 2020
prepared by Sarah Walter	approved by Bronce Stephenson, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Request of City of Winter Park for:

item list

Ordinance - amending Chapter 98 of the Winter Park Code, prohibiting micromobility devices and the obstruction of streets, right-of-ways and sidewalks by, and regulating the use of, bicycles, electric bicycles, micromobility devices and motorized scooters within the City. (First Reading)

motion / recommendation

Approve the Ordinance as presented.

background

At the second City Commission meeting in June 2020, the Micromobility Prohibition Ordinance had its first reading and the Commission voted in favor of the ordinance. The Commission also asked that the ordinance be brought to the Transportation Advisory Board (TAB) for feedback prior to the second reading. When the ordinance was brought before TAB at their August 2020 meeting, the feedback from the board was that they felt as though the ordinance was too restrictive and that the use of personal electronic bicycles and motorized scooters should be allowed within the City limits.

At the November 2020 City Commission meeting, the Commission asked City staff to bring forward the revised ordinance incorporating the feedback from TAB for a first reading.

The ordinance presented today for first reading prohibits micromobility devices from being used or staged within the city limits of Winter Park. A micromobility device is defined as "any motorized transportation device made available for private use by reservation through an online application, website or software for point-to-point trips and which is not capable of traveling at speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined by Florida Statute

316.003 (38)."

While prohibiting micromobility devices, the ordinance allows for the use of personal electric bicycles and personal motorized scooters and also establishes the following:

- electric bicycles must comply with all regulations on Florida law and City Code applicable to bicycles;
- bicycles, electric bicycles and motorized scooters shall use official bike paths in lieu of city streets where available and so long as their use will not endanger the safety of pedestrians;
- it shall be unlawful for bicycles, electric bicycles or motorized scooters to ride upon any sidewalk within the Central Business District, Hannibal Square Neighborhood Commercial District or Orange Avenue District;
- it shall be unlawful to operate any bicycles, electric bicycles or motorized scooters upon any sidewalk adjacent to or within any sidewalk café as defined by Chapter 90, Article V;
- no bicycle, electric bicycle, motorized scooter or micromobility device shall be parked, staged, abandoned or otherwise left upon any street, right-of-way or sidewalk in such a manner as to obstruct traffic, either of vehicles or pedestrians, or to obstruct any stopping or parking space; and
- it shall be unlawful to stage electric bicycles, micromobility devices and motorized scooters within the limits of the City.

As part of the ordinance, a map is provided in the definitions section to show the limits of each of the three districts called out above in addition to the written boundary description of each district.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

[WP Micromobility Ordinance DRAFT_2020.11.doc](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 98 OF THE WINTER PARK CODE PROHIBITING MICROMOBILITY DEVICES AND THE OBSTRUCTION OF STREETS, RIGHT-OF-WAYS AND SIDEWALKS BY, AND REGULATING THE USE OF, BICYCLES, ELECTRIC BICYCLES, MICROMOBILITY DEVICES AND MOTORIZED SCOOTERS WITHIN THE CITY; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park (the "City") recognizes that the passage of HB 453 and HB 971 have expanded the rights of electric bicycle, motorized scooter and micromobility device operators within the state and expanded the areas where electric bicycle, micromobility device and motorized scooter operators may operate these devices under Section 316.2128 and Section 316.20655, Florida Statutes; and

WHEREAS, Section 316.2128, Florida Statutes provides operators of motorized scooters and micromobility devices with the same rights and duties of the operator of a bicycle; and

WHEREAS, Section 316.20655, Florida Statutes provides operators of electric bicycles the same rights and duties as the operator of a bicycle; and

WHEREAS, operation of electric bicycles, micromobility devices and motorized scooters is not compatible with the uses and activities within the Central Business District, the Hannibal Square Neighborhood Commercial District and the Orange Avenue District as defined by Article I, Chapter 58 of the Comprehensive Plan due to high volumes of pedestrian and vehicle traffic; and

WHEREAS, electric bicycles, micromobility devices, motorized scooters and bicycles parked improperly create dangerous conditions for pedestrians, particularly the disabled residents of the City; and

WHEREAS, Section 316.2128, Florida Statutes expressly reserves local authority and jurisdiction to regulate micromobility devices and motorized scooters to the extent authorized by Section 316.008, Florida Statutes; and

WHEREAS, Section 316.20655 Florida Statutes expressly reserves local authority and jurisdiction to regulate electric bicycles within certain areas to the extent authorized by Section 316.008, Florida Statutes; and

WHEREAS, the City recognizes that Section 316.008(1)(a), Florida Statutes authorizes municipalities to regulate or prohibit “stopping, standing, or parking,” that Section 316.008(1)(h), Florida Statutes authorizes municipalities to regulate bicycles, that Section 316.008(1)(n), Florida Statutes authorizes municipalities to prohibit or regulate the use of “heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic”; and

WHEREAS, the City recognizes that Section 316.008(7)(a), Florida Statutes authorizes municipalities to “permit, control, or regulate” vehicles operating on sidewalks including micromobility devices, bicycles, and motorized scooters; and

WHEREAS, the City recognizes the First District Court of Appeals recently upheld a total prohibition on motorized scooter rentals within the City of Panama City Beach in *Classy Cycles, Inc. v. Pan. City Beach*, 2019 Fla. App. LEXIS 16995; and

WHEREAS, the City finds a comprehensive regulatory scheme is necessary to mitigate the risks and dangers posed by electric bicycles, motorized scooters and micromobility devices within the City; and

NOW THEREFORE, BE IT ENACTED BY THE CITY OF WINTER PARK:

SECTION 1: Recitals. The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings and legislative intent of the City Commission of the City of Winter Park

SECTION 2: Amendment. That Chapter 98 “Traffic and Vehicles” of the City of Winter Park Code of Ordinances is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; provisions not shown are not being amended):

Chapter 98. Traffic and Vehicles.

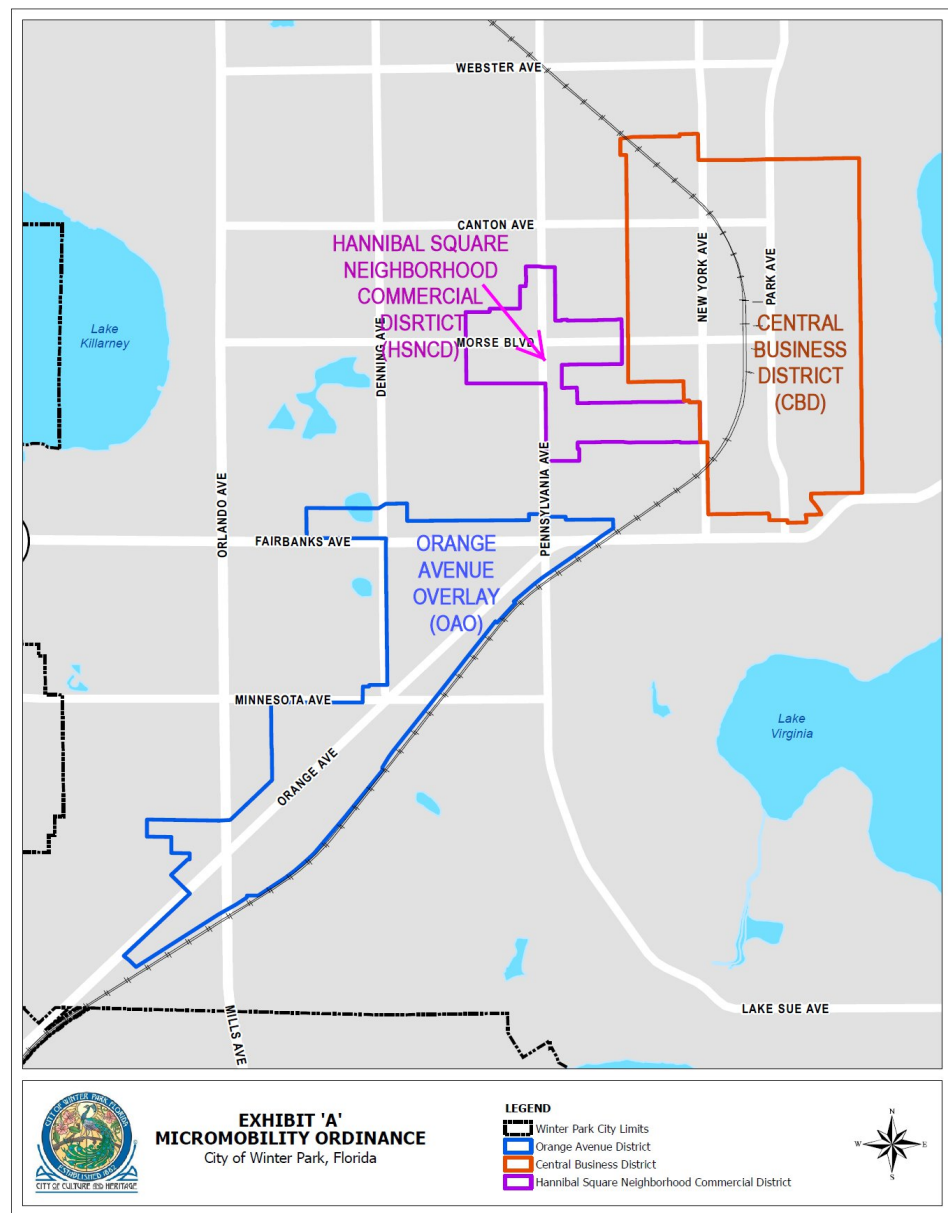
Article I. – In General

Sec. 98-2. – Definitions.

The following words and phrases, when used in this chapter, shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except when the context otherwise requires. Whenever any words and phrases used in this chapter are not defined in this section but are defined in the state laws regulating the operation of vehicles, any such definition in state law shall be deemed to apply to such words and phrases used in this chapter, except when the context otherwise requires.

Bicycle means every vehicle propelled solely by human power having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include an electric bicycle, motorized scooter or similar device.

Central Business District shall have the same meaning as defined within the maps of the Central Business District adopted in the definitions section of the Comprehensive Plan of the City, article I, chapter 58 and is generally that part of the city bordered by Webster Avenue on the north, Interlachen Avenue on the east, Fairbanks Avenue on the south and New York Avenue on the west.

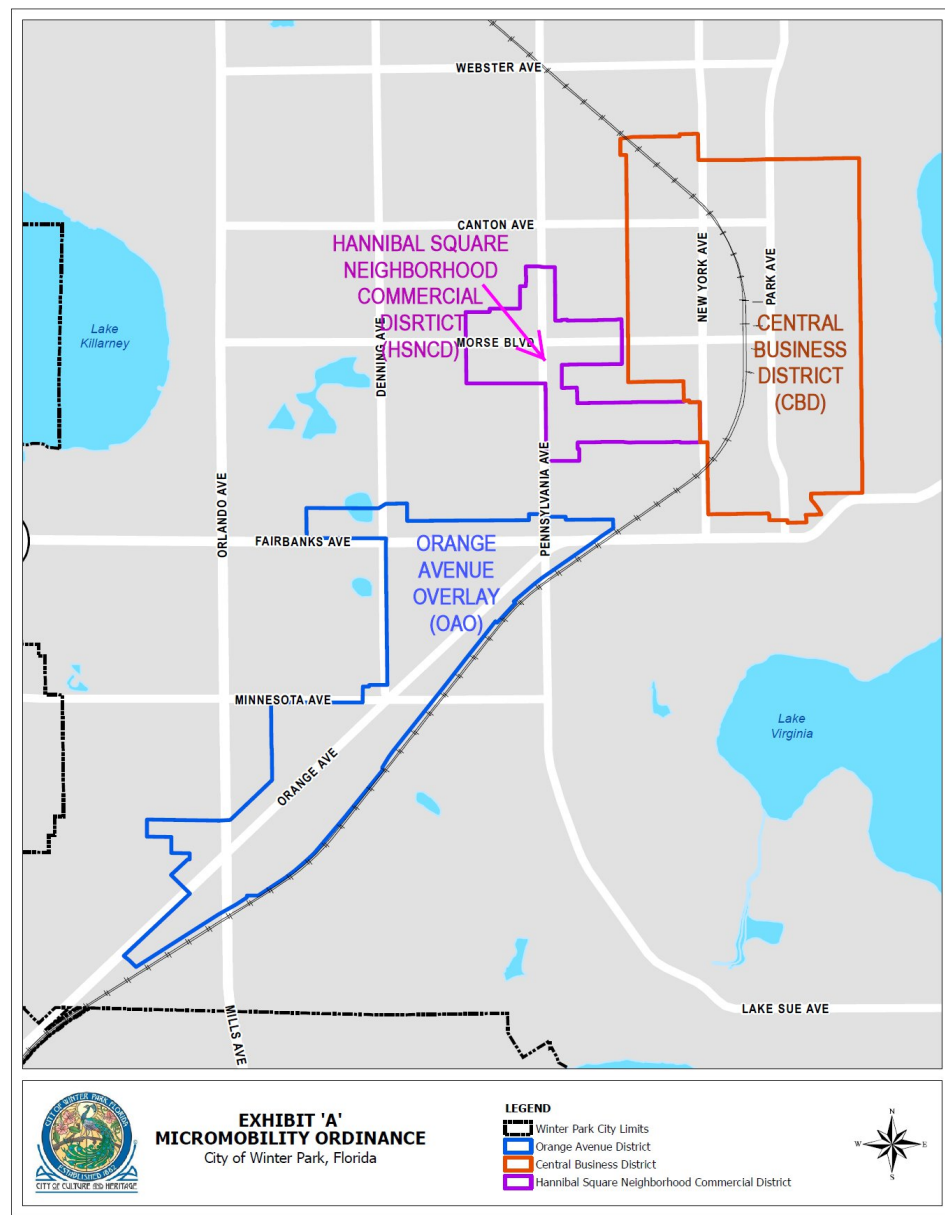


Commercial vehicle means every vehicle designed, maintained or used primarily for the transportation of property and which displays lettering thereon advertising the owner of the vehicle.

Electric Bicycle means any bicycle or tricycle equipped with fully operable pedals, a seat or saddle for use of the rider, and an electric motor of less than 750 watts. This definition includes all classes of Electric Bicycle under Section 316.003(22), Florida Statutes (2020).

Freight curb loading zone means a space adjacent to a curb for the exclusive use of commercial vehicles during the loading or unloading of freight.

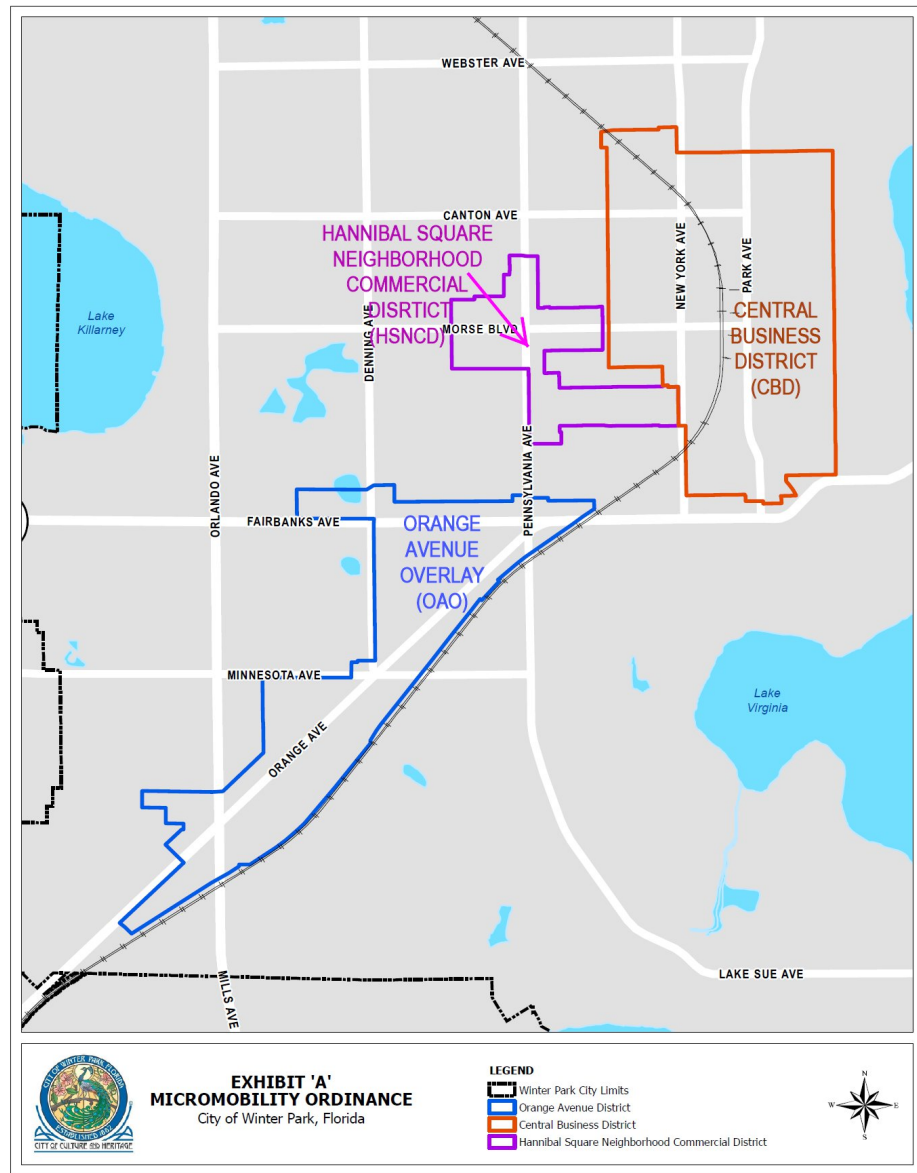
Hannibal Square Neighborhood Commercial District shall have the same meaning as defined within the maps of the Hannibal Square Neighborhood Commercial District adopted in the definitions section of the Comprehensive Plan of the City, article I, chapter 58 and is generally that part of the city fronting on New England Avenue, Hannibal Square, Morse Boulevard and Pennsylvania Avenue.



Motorized scooter means any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground as defined by Fla. Stat. § 316.003(45).

Micromobility device means any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground as defined by Fla. Stat. § 316.003(38). This term includes motorized scooters and bicycles as defined by Fla. Stat. § 316.003.

Orange Avenue District shall consist of the frontages along Orange Avenue between Orlando Avenue and Fairbanks Avenue as well as the frontages along Fairbanks Avenue between Denning Drive and the SunRail crossing east of Pennsylvania Avenue.



Parkway means that portion of a street not designated or intended for the use of pedestrians and located between the curb and the adjacent property lines or between the edge of pavement and the adjacent property lines where there is no curb or between the established vehicular traveled way and the adjacent property lines on unpaved streets.

Passenger curb loading zone means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Right-of-way means property owned or controlled by the City or other governmental entity over which the public has a right of passage, including, without limitation, the streets, parkways, paths, alleys, sidewalks, and driveways constructed thereon.

Sidewalk means that portion of a right-of-way between the curbline, or the lateral line, of a roadway and the adjacent property lines, that is improved for intended use by pedestrians or by bicycles in areas designated for bicycle use.

Stage or Staging means the parking and/or placing of electric bicycles, micromobility devices or motorized scooters on a right-of-way, within a public park or on other public property for the purpose of advertising or displaying such micromobility devices to the general public for use or rental.

Traffic division means the traffic division of the police department or, if a traffic division is not established, the term shall be deemed to refer to the police department.

Sec. 98-6. – Micromobility devices.

- (a) Prohibition. It shall be unlawful to operate any micromobility device upon the roadways, sidewalks, bicycle paths or rights-of-way of the City unless expressly permitted by Section 98-6. See definition of micromobility devices in Section 98-2.

Sec. 98-7. – Electric Bicycles.

- (a) Electric bicycles must comply with all regulations under Florida law and this Code applicable to bicycles.

Sec. 98-68. – Bicycle, electric bicycle and motorized scooter riding.

- (a) Official bike paths shall be used in lieu of city streets where available and so long as their use will not endanger the safety of pedestrians.
- (b) It shall be unlawful for any person to ride a bicycle, electric bicycle or motorized scooter upon any sidewalk within the Central Business District ~~central business district of the city, Hannibal Square Neighborhood Commercial District or Orange Avenue District.~~ without limitation or exception.
- (c) It shall be unlawful to operate any bicycles, electric bicycles or motorized scooters upon any sidewalk adjacent to or within any sidewalk cafe as defined by Chapter 90, Article VI.

Sec. 98-9. – Bicycles, micromobility devices, electric bicycles and motorized scooters obstructing streets or sidewalks.

No bicycle, electric bicycle, micromobility device or motorized scooter shall be parked, staged, abandoned or otherwise left upon any street, right-of-way or

sidewalk in such a manner as to obstruct traffic, either of vehicles or pedestrians, or to obstruct any stopping or parking space.

Sec. 98-9. – Micromobility device and motorized scooter staging.

It shall be unlawful to stage electric bicycles, micromobility devices and motorized scooters within the limits of the City.

Sec. 98-11. – Violations.

The City is authorized to establish civil penalties for violations of this Chapter pursuant to the "Schedule of City of Winter Park Service and User Fees and Charges" adopted by the City Commission from time to time, and persons or entities in violation of this Chapter or any part thereof shall be subject to such prescribed penalties. In addition, the City shall have the right to enforce this Chapter or any portion thereof through any remedies available at law and in equity, including, without limitation, injunctive relief.

Secs. ~~98-8~~ 98-11 – 98-30. – Reserved.

SECTION 3. INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION 4: SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION 5: CODIFICATION. Section 2 of this Ordinance shall be codified and made a part of the City of Winter Code or Ordinances, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word "Ordinance" may be changed to "Section," "Article," or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION 6: EFFECTIVE DATE. This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2021.

Mayor Steve Leary

ATTEST:

Rene Cranis, City Clerk